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RECORDS
OF
MASSACHUSETTS.

VOL. III.

1644—1657.

Massachusetts Bay colony

RECORDS
OF
THE GOVERNOR AND COMPANY
OF THE
MASSACHUSETTS BAY
IN
NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE.

EDITED BY
NATHANIEL B. SHURTLEFF, M.D.,
MEMBER OF THE MASSACHUSETTS HISTORICAL SOCIETY, FELLOW OF THE AMERICAN
ACADEMY OF ARTS AND SCIENCES, AND MEMBER OF THE
AMERICAN ANTIQUARIAN SOCIETY.

VOL. III.
1644—1657.



BOSTON:
FROM THE PRESS OF WILLIAM WHITE,
PRINTER TO THE COMMONWEALTH.
1854.

Commonwealth of Massachusetts.



SECRETARY'S OFFICE,

BOSTON, DECEMBER 1, 1854.

IN printing the first and second volumes of the Massachusetts Records, under a Resolve of the Legislature of 1853, Dr. NATHANIEL B. SHURTLEFF, of Boston, well known for his acquaintance with the Old Records of this Commonwealth, and for his great interest in their preservation, was appointed to take charge of the whole work. These volumes have been printed, and copies of them have been distributed according to the Resolve.

The ability and fidelity which marked the appearance of the first two volumes determined the undersigned to intrust the preparing and printing of the volumes specified in the following Resolve to the same able editor.

The confidence in which the editor is held by persons interested in historical and antiquarian pursuits gives ample assurance that the duty will be performed in a manner alike creditable to the undertaking and to the Commonwealth.

EPHRAIM M. WRIGHT,

Secretary of the Commonwealth.

Resolved, That twelve hundred copies of the third, fourth, and fifth volumes of the General Court Records, with suitable Indices, be stereotyped and printed, under the supervision of the Secretary of the Commonwealth, who may appoint some competent person or persons to prepare said volumes for printing, and take charge of the same, and to complete the Indices of the General Court Records already commenced.

Approved by the Governor, February 17, 1854.

INTRODUCTORY REMARKS.

BY order of the Legislature of Massachusetts, the two oldest volumes of the Colony Records were printed in 1853. On the seventeenth of February, 1854, His Excellency EMORY WASHBURN, Governor of the Commonwealth, approved a Resolve authorizing the printing of the three succeeding volumes. These five volumes contain the records of an important era in the history of Massachusetts,—the duration of its political existence as a Colony,—when it was governed by magistrates elected by the people, who were considered sufficiently wise to make laws suitable for all contingencies, and sufficiently just and prudent to execute the laws by themselves made. This era embraces a period of about fifty-eight years, commencing with the earliest records of the Governor and Company that have been preserved, and ending at the time when the colonial government was superseded by the Council under the presidency of Joseph Dudley, Esq., in 1686.

A description of the first two volumes, together with a brief account of the plan which was pursued for preserving their valuable contents, and rendering them more accessible to the public, will be found in the Introductory Remarks printed at the commencement of Volume I.

The third volume of the Massachusetts Colony Records contains the proceedings of the House of Deputies, commencing with those of the General Court of Election held in May, 1644, and ending with those of the May Court in 1657. A part of the original volume is in the hand-

writing of Mr. Edward Rawson, and the remainder, comprising the larger portion, is in that of Mr. William Torrey, who were severally chosen clerks of the House of Deputies. Although it is evident that the popular branch of the Colonial Legislature continued a record of its proceedings until the time the Colony Charter was vacated, no copy of these valuable volumes can be found in the archives of the Commonwealth extending beyond the period embraced in these pages, nor are any positively known to exist any where else.

On one of the leaves preceding the records of this volume occurs the following entry:—

“ffor the orders of the House of Deputyes:—
se the first leaffe, Año 1644: 3 orders;
se page 12, Año 1645: two orders;
se pag 53, Año 1645: one order;
se pag 84 & 90, Año 1646: two orders;
se page 254, Año 1650: one order.”

The fourth volume of manuscript records, which, on account of its large size, is printed in two parts, and the fifth volume, are a continuation of the Colony Records, and immediately follow the second volume in chronological order, the third being entirely independent of them. The originals are in the handwriting of Secretary Rawson, and extend from the commencement of the May session in 1650 to the presidency of Dudley in 1686. At the close of the fifth manuscript volume are certain miscellaneous writings, which will be found at the end of the corresponding printed volume.

In printing the three volumes mentioned in the resolve of February, 1854, the same plan has been pursued that was adopted for the preceding two volumes. The spelling of the clerks has been invariably followed, and the contractions and peculiarities of chirography have been preserved in the copy by means of typographical symbols, in order that the printed volumes should be as nearly reproductions of the ancient volumes of manuscript as the art of printing would allow. Indeed, no pains have been spared to render the work acceptable, and to give to the printed volumes a pleasing appearance, and at the same time make them literal copies of the manuscript originals.

Of all the secretaries of the Massachusetts Colony, none surpassed Mr. Rawson in peculiarities of chirography, and in the use of similar forms for different letters. He had various ways of writing the letters *e* and *r*, and very often wrote them in so careless a manner that nothing but the context could possibly lead to the discovery of his intentions. In the use of the letters *n* and *u*, *c* and *t*, and *c* and *l*, he was equally faulty. Therefore, in some cases of proper names, the editor may have to rely upon the indulgence of those who use the printed volumes.

In a very few instances the peculiar style of writing used by Secretary Rawson — such as the condensation of two letters into one, and by an extra stroke of the pen the making of one letter assume the appearance of two — has not been followed; nevertheless, in proper names the editor has been very particular to follow the manuscript in these peculiarities. Several of the most common instances are — the use of an *m* for *nn*, as Pemiman for Penniman, Bemet for Bennet, and the use of *nn* for an *m*, as Parnniter for Parmiter, and sometimes the use of an *m* for an *n*, as Haimes for Haines.

In making up the records from minutes, the clerks were not always particular in arranging the daily proceedings in strict chronological order, and did not preserve the exact date of each transaction; nor did they attempt, except in a few instances, to distinguish the acts of one day from that of another. Therefore the marginal dates which have been supplied cannot be considered absolutely correct, but must be regarded only as approximations to accuracy, the editor endeavoring to give to each page as nearly as possible the latest well-ascertained date furnished by the volume, without resorting to external aid. It will be perceived that these dates are meant to apply only to legislative action, all minor dates connected with reports of committees, letters, and legal instruments being disregarded in the margins. Occasionally marginal dates occur in the original, which are easily distinguished from those that have been supplied.

In some instances court orders have been omitted to be recorded, and subsequent legislation has been necessary to remedy the delinquency. A remarkable case of this kind is to be found on the one hundred and sixteenth page of part first of the fourth volume, in the case of Governor Winthrop's youngest son.

In the third volume the proceedings for a long period are recorded out of place, and in the fifth is a similar mis-entry of two pages. These have been removed to their proper places in the printed copies. The figures in the margins that indicate the pages of the original records, and which are enclosed in brackets, make the arrangement of the manuscript sufficiently intelligible.

As in the first two volumes, so also in the three which succeed, the marginal entries are chiefly in the handwriting of Mr. Rawson, and are mostly contracted expressions and half-spelled words. The proper names in the margins are often spelled in a different manner from those in the text.

The names of those who took the freeman's oath at the General Courts of Election, and which generally appear in the margins of the manuscript volumes, have been collected together and printed with alphabetical indexes at the close of the volumes. The names of those who took the oath at other times and places, together with those which are included in the returns of commissioners, will be found printed in their proper places in the volumes.

The same degree of care has been bestowed, in collating the printed pages of the third, fourth, and fifth volumes with the original manuscripts, as was used in conducting through the press the preceding two volumes; for a full description of which the reader is referred to the editorial remarks printed in connection with the first volume. In the tedious duty of performing this part of the labor, the editor has been spared much by the careful manner in which the copies have been made by the several persons employed for that purpose.

It is believed that the indexes, which have been prepared with much labor, and which are very minute, will prove to be both accurate and convenient for use. No name, and no reference to any name or fact, has been purposely omitted, and as many cross references as were deemed advisable and desirable have been entered in their proper places. Proper names have in nearly every instance been entered in the index according to the mode of spelling in the original record.

Notwithstanding the temptation has been very great, and at times the necessity almost imperative, the editor has, in the execution of his duty, entirely refrained from making comments or annotations upon the

subjects recorded, and has only inserted in proper places such brief notes as were considered needful to inform the reader what portions of the manuscript records were written by different persons, and who the several writers were, which facts could not otherwise be learned from any examination of the printed copies.

The editor takes this occasion to express his acknowledgments to the Honorable EPHRAIM M. WRIGHT, Secretary of the Commonwealth, for the facilities which he has afforded in prosecuting the work of printing these volumes, and for the uniform kindness and interest which he has constantly exhibited throughout the whole undertaking.

N. B. S.

BOSTON, DECEMBER, 1854.

VOL. III.

b

MARKS AND CONTRACTIONS.

A Dash ~ (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross x indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [].

Some redundancies in the original record are printed in *Italics*.

Some abbreviations, that occur in the original record, are put between parallels, | |.

Several characters have special significations, namely:—

@, — annum, anno.
 ā, — an, am, — curiā, curiam.
 ā, — mātrate, magistrate.
 ñ, — ber, — numb, number; Robt, Robert.
 ē, — ci, ti, — acōn, action.
 ē, — cre, cer, — acs, acres.
 ē, — dē, delivered.
 ē, — Trēr, Treasurer.
 — committē, committee.
 — gēral, general.
 — chr, charter.
 — begīg, beginīg, beginning.
 ē, — lre, letter.
 m, — mm, mn, — comītee, committee.
 — recomēdāōn, recommendation.
 m, — mer, — formly, formerly.
 m, — month.
 n, — nn, — Peñ, Penn; año, anno.
 — Dñi, Domini.
 — ner, — manñ, manner.
 ñ, — on, — mentiō, mention.

ō, — mō, month.
 p, — par, por, — p̄t, part; p̄tion, portion.
 p, — per, — pson, person.
 p, — pro, — pporcōn, proportion.
 p, — pre, — p̄sent, present.
 — p̄son, person.
 q̄, — esq̄, esquire.
 r, — Apr̄, April.
 s, — s̄, session; s̄d, said.
 s, — ser, — s̄vants, servants.
 t, — ter, — neut̄, neuter.
 t, — cap̄t, captain.
 ū, — uer, — señal, señeral.
 ū, — aboū, aboue, above.
 v, — ver, — señal, several.
 w, — wñ, when.
 y^a, the; yⁿ, them; yⁿ, then; y^r, their;
 yⁱ, this; y^r, that.
 z, — us, — vilibz, villibz.
 e, — es, et, — statuf, statutes.
 e. &c, &c^a, — et cetera.
 vizⁱ, — videlicet, namely.
 / — full point.

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THE DEPUTIES' RECORDS.

1644—1657.

MASSACHUSETTS RECORDS.

THE RECORDS OF THE COLONY OF THE MASSACHUSETTS BAY IN NEW ENGLAND.

[The manuscript of the third volume of Records of the Massachusetts Colony commences here, in the handwriting of Mr. Edward Rawson, the Secretary. This volume, the largest portion of which was written by Mr. William Torrey, Clerk of the House of Deputies, contains the Records of the House of Deputies, commencing in 1644 and ending in 1657. The first six pages are not numbered in the original manuscript.]

Ellection, 29 3 M^o, 44.

*Att a Generall Courte of Elections held att Boston the 4th and 5th
Monnth, 1644.*

1644.

29 May.

[* 1^a.]

The Acts & Determina^ons of the Howse of Deputyes.

THE sefall names of those townes, wth their Deputyes y^t were return'd
wth y^e warrants to serve att this Courte, viz^t :—

1. Salem : M^r Downeinge, M^r Hawtherne.
2. Charles-Towne : Majo^r Sedgwick, Lif^t Sprauge.
3. Dorchester : M^r Glover, Lif^t Duncombe.
4. Boston : M^r Tinge, Tr., Cap^t Hawkins.
5. Roxbury : M^r Prichard, Wit^hm Parks.
6. Watertowne : M^r Mayhewe, Lif^t Mason.
7. Lynn : Cap^t Bridges, Ens^g Tomlins.
8. Cambridge : Cap^t Cooke, M^r Sparhawke.
9. Ipswitch : M^r Hubberd, Jos^o Meadcalfe.
10. Newbury : M^r Rawson.
11. Waymowth : M^r Tory, Lif^t Perkins.
12. Hingham : Bozon Allen, Jn^o Porter.
13. Concorde : Thomas Brooke.
14. Dedham : Francis Chickeringe.
15. Salsbury : M^r Du^mer, M^r Dudley.
16. Hamptō : Lif^t Howard, Wit^h Eastowe.
17. Rowly : M^r Carleton, Math Boyse.
18. Brayntree : Ste^e Kingsley, Tho^s Mekins.
19. Sudbury : William Ward.

1644.

29 May.

20. Dover : M^r Wiſſm Hillten.
21. Strawberry-banke : M^r Steē Winthrop.
22. Gloster : M^r Steevens.
23. Oobourne : Liftē Johnson.
24. Wennam : Joseph Batchelo^r.

f

It is ordred by this howse, that henceforward these townes, (accordg to y^e entry,) as alsoe all other y^e townes y^t already are, or hereafter shalbee, erected wthin this jurisdiction, shall, (accordinge to theire antiquity,) take theire places of pcedencie both in y^e transactinge of y^e affayers of this howse, as alsoe in all other such occasions as may fall out wthin this colony respectinge such pcedency of place/

Elected by the freemen for this yeare ensuinge, 1644, 29^o: 3 M^o.

John Endecott, Esq^r, Gouverner.

John Winthrop, Esq^r, Dep^t Goſſner.

Assistants, Thomas Dudley, Esq^r, Ser^{te} Major Generall,

Rich: Bellingham, Esq^r,

Rich: Soltonstoll, Esq^r,

John Winthrop, Junio^r,

Increase Nowell, Secret^r,

Simon Broadstreete,

William Pinchon,

William Hibbins,

Thom^e Flintte,

Samuell Simons.

William Tinge chosen Treasurer.

39: 3 M^o.

[*2^a.]

30 May.

f

*M^r William Hawtherne was chosen Speaker for this Courte by y^e howse.

Samuell Greene is appoynted & chosen an officer to attend y^e dore of y^e Howse of Deputies for this Courte, & is to haue 2^s p day, wth diett & lodginge/

f

It is ordred, that henceforward noe member of this howse, (vppon any ptence of buisnesse wth any man,) shall absent himselfe from y^e occasions thereof wthout leaue first graunted him from y^e howse/

Repeald.

It is ordred, that henceforward noe member of this howse shall sitt or stand wth his hatt on whiles y^e Speaker is ppoundinge any vote/

Repeld.

It is ordred, that noe messenger of this howse, (wh^{ch} shall att any time bee sent wth y^e affaires thereof to y^e Howse of Mag^{sts} shall receaue from them

any other buisnes then what concernes & hath reference to y^e message hee went vppon/

It is ordred y^t noe member of this howse shalbee call'd to y^e barr but by y^e major vote thereof, & beeing first convicted of his offence/

Ensigne Tomlins is ordred & appoynted by both howses of this Courte to goe vppon a message to y^e Naragansett sachems about their fire, & is dismissd this howse for y^e present to prepare himselfe for y^e journey/

It is ordred, that M^r Trasurer Tinge, Liftennant Duncome, & M^r Mayhew are chosen a committee to consider of the fire y^t came from y^e two sachems (Cañonicus & Pesecus) of y^e Naragansetts, & to returne their thoughts & conclusions to this howse/

That whereas y^e towne of Gloster legally made choyce of M^r Steevens (a freeman thereof) for their deputie to attend the buisnes of this Courte, & y^t yet notwithstanding, (vppon some private drences falleinge out betweene y^e church & him in y^e intrime,) y^e ffreemen of y^e said towne made choyce of M^r Bruin in y^e roome of y^e said M^r Steevens It is therefore ordred that y^e said M^r Bruin bee sent home agayne, & y^t y^e towne of Gloster is desired to send y^e said M^r Steevens, first chosen; declareinge it wthall to bee y^e minde of this howse y^t y^e ffreemen of y^e said towne, or any one or more of them (in y^e behalf of y^e rest), may take their libtye to make their complaynts agaynst y^e said M^r Steevens; & if it shall appeare y^t such their alegacons shall render him vnfit for y^e service of this Courte, y^t then this howse shall acc^o it their dutie to deale wth him as an offending member thereof/

It is ordred, y^t Major Sedgwicke, Capt: Cooke, Capta: Bridges, Cap^t Hawkins, & Liftennant Pkins are chosen a committee to consider w^t power is to bee giuen to y^e Major Genall, & to drawe vpp his comission accordingly, & present it to this howse to bee further considred of/

It is ordred, that M^r Downeinge, M^r Glover, & M^r Rawson are chosen a committee to consider of y^e one halfe of y^e petitions presented to this Courte, & to make returne of their thoughts & conclusions of them indorsed vppon y^e said petitions/

* The petition of Robert Parke is graunted by y^e whole Courte, and hath libtye to pceed in marriage wth Alice Tompson wthout furth^r publishē./

It is ordred, that M^r Speaker, M^r Downeinge, & Liftennant Duncome are chosen a committee to consider of y^e votes of y^e howse, & to drawe them into a forme of order, y^t exact entry bee made of them/

1644.

30 May.

f

[*3*.]

1644.

3 M^o: 31^o.

31 May.

f

It is ordred, y^t noe member of this howse shall speake twice to one case att one time, beefore efly one (y^t will) haue spoken to y^e buisnes in hand, & after some pawse, to see if any other will speake, & it is att y^e libtie of any to speake agayne wth leaue from y^e howse./

Comptrolers.

1 June.

f

It is ordred, that Capta: Cooke & M^r Tory are chosen comptrolers of y^e howse for this Courte, & p^ticulercy to see to y^e exact keepinge of y^e f^oregoeinge order./

1^o: 4 M^o.

It is ordred, that M^r Speaker, Capta: Cooke, M^r Glouer, M^r Sparhawke, & M^r Rawson are chosen a comittée to examine y^e French buisnes, & to state y^e case, to drawe y^e bills, to lay y^e charge, to p^oduce y^e testimonye, & p^osent it to y^e howse./

It is ordred, that M^r Dummer, Wthm Parkes, Edw: Carleton, Math Boyse, Bozon Allen, & Liftent^e Mason are chosen a comittée to consider of the other halfe of y^e peti^ons, & to returne their thoughts thereof to y^e howse./

4^o: 4 M^o.

4 June.

It is voted & ordred, to bee att y^e libtye of each member of this howse (vppon y^e choyce of comittées for y^e ripneinge of buisnesses) to nominate whome they please for y^e said comittēs, & after such libtie impved, the speaker (for y^e time becinge) shall put to vote, in order, all such as are soe nominated, & y^t nomb^r of p^ons as shalbee agreed vppon, (to bee of y^e comittē,) y^t shall haue most voyces, shalbee accompted as men chosen by y^e howse./

It is ordred, that M^r Dummer, M^r Sparhawke, M^r Tory, Joseph Meade-calle, & Liftent^e Johnson are chosen a comittée for to consider of y^e bill p^osentd to y^e howse concerneinge mens p^oprieties, & to returne their thoughts of y^e p^ticulers therein exp^ost./

Vote of both
howses.

That whereas M^r Sewall hath an execu^on graunted him (out vppon y^e goods & chattles of M^r Foxcroft, of London, mar^{te}) by an order of Courte, & y^t there is not an estate visible (of y^e said M^r Foxcrofts) to sattisfie y^e said execu^on, it is therefore ordred, y^t M^r Daud Yale (agent to y^e said M^r Foxcroft) shall wthin sixe dayes ensueinge deli^u into this Courte a true inventory of w^t estate hee hath in his hands, or knowes to bee in y^e hands of any other, (of y^e s^d Foxcrofts,) in case y^e said M^r Yale refuse to giue M^r Sewall sattisfa^on and content accordinge to lawe./

It is ordred, that M^r Speaker, M^r Treasurer, M^r Mayhewe, M^r Prichard, Liftent^e Duncombe, M^r Hubberd, & M^r Steeven Winthrop are chosen

a committee to consider of & examin y^e bill about judiciall proceedings sent from y^e mag^{sts}./ 1644.

* Liffen^{te} Perkins, vppon his request, & as y^e minde of y^e towne, is att his libtie to depte y^e howse for this sessions of y^e Courte./

4 June.
[*4^a.]

It is ordred, that y^e next sixt day in y^e afternoone bee sett apte for y^e sefall committees of y^e howse to consider of & ripen the sefall buisnesses thereof committed to them./

It is ordred, y^t the hundred pounds formly graunted toward the mayntenance of Castle Iland, & ye fortificacons there shalbee pd soe soone as they y^t vndertake y^e worke shall haue a commaunder & garrison there, & to be pd fiftie pounds euy sixe monnths, if they shall finish y^e worke & continue a garrison there accordg to a form order./

By both
howses.

5: 4 M^o.

Mr Steevens, beeing legally made choyce of by y^e ffree men of y^e towne of Gloster as their deputy for y^e service of this howse, is admitted a memb^r thereof, notwithstanding any priuate drences fallen out (since his ellection) betweene y^e church & him./

5 June.

It is ordred, that M^r Winthrop, o^r Dep^t Gou^rner, shall haue allowed him one hundred pounds for his last yeares service as Gou^rner./

By both
howses.

It is ordred, that Boston shall haue libty to cutt & carry from any of y^e comon lands of Nantaskett one hundred & fiftie tonns of timber, to bee ymployed vppon y^e ffortificacons att Castle Iland./

It is ordred, y^t y^e Courte of Elections for y^e yeare next ensueinge shall bee att Salem./

Mags^{ts} cont.
dicent.

It is ordred, that all y^e countrys stocke (except greate artillery) shalbee devided into y^e three sheires, (Norfolke to bee layd to Essex,) accordinge to y^e last country rate, (ye Castle beeinge first pvided for,) & y^e small artillery to bee kept in one place of each sheire, allwayes ready fixt, and y^t some men of each sheire bee deputed to see to y^e pformance of y^e order, & to giue security for y^e stocke, & to bee accomptable for it as y^e Courte shall require./

Mags^{ts} cont.
dicent.

6: 4 M^o.

It is ordred, that George Norton, as their sert^e, shall exercise the trayne band att Gloster. (By both howses./)

6 June.
Agreed.

It is ordred, (att y^e request of y^e freemen of Gloster,) that Thomas Smith (in y^e roome of M^r Steevens) is appoynted one of the three men of y^e towne to end small controūsies./

Agreed.

It is ordred, that all inhabitants wthin this jurisdicon, aswell seamen

Agreed.

1644. as others, are to haue compleate armes in their howses, (accord to order) all-
wayes ready fixt for service./

6 June.
Agreed.

It is ordred, vppon y^e request of Jn^o Gore, that his ser^{te}, Thomas Reeves, hath his libty & freedome graunted him, haueing binn faithfull to his mⁱ in his place./

[*5^a.]
By both
howses.

*It is ordred, that Marble-head shall make choyce of one amongst them, whoe shall exercise y^e rest of y^e inhabitants thereof in marshall discipline, y^t soe they may not bee to seeke when spetiall occasions call for their assistance./

By both
howses.

It is ordred, that M^r Wheelewright, vppon y^e acknowledgm^{to} of his evill cariages, & y^e Courts justice vppon for them, hath his banishm^{to} taken offe, & is recēd in agayne as a memb^r of this colony./

7: 4 M^o, 44.

7 June.

It is ordred, that Lifest^o Sprauge, Francis Chickeringe, Steephen Kingsly, Tho: Mckins, Wittm Hillton, Joseph Batchelo^r, M^r Steevens, Wittm Ward, Lifest^o Howard, Wittm Eastowe, Tho^s Brooke, Lifest^o Johnson, & Joseph Meadcalfe, are chosen a comitte^e to examine y^e booke deliued in by M^r Bellingham, & compare it wth y^e booke of records, & returne their objections & thoughts thereof to this howse in wrighteinge./

By both
howses.

It is ordred, that it shall & may bee lawfull for y^e deputies of this howse to aduise & consult wth their elders & ffreemen, whoe are desired to take it into serious considera^{on}, whether God doe not require of all y^e inhabitants of this colony, that they alowe as to their mag^{ts}, soe to all other y^t are calld to country service, a ppor^{on}able allowance & mayntenance answerable to their sc^ull places & ymploym^{ts}, anually or otherwise, & vppon w^t grounds, & they are further desired to send in their thoughts & determina^{on}s in wrighteinge at y^e next Gefall Courte./

Voted: The howse is adjourned (after this night) till y^e next second day att one of y^e clocke./

10th: 4 M^o.

10 June.

It is ordred, y^t noe Indian shall come att any towne or howse of y^e English (wthout leaue) vppon y^e Lords day, except to attend y^e publike meeteings; neither shall they come att any English howse vppon any other day in y^e weeke, but first shall knocke att y^e dore, & after leaue giuen, to come in, (& not otherwise;) and if any (hereafter) offend contrary to this order, y^e constable, vppon notice giuen him, shall bringe him or them Indians, soe offendinge, to a magistrate to bee punisht accordg to his offence./

Whereas it is y^e earnest desire of this Courte, that these natiues (amongst whome wee liue, & whoe haue submitted themselues to this govm^{te})

should come to y^e good knowledge of God, & bee brought on to subiect to y^e scepter of y^e Lord Jesvs, it is therefore ordred, that all such of y^e Indians as haue subjected themselues to o^r goūm^{te} bee henceforward enioyned (& y^t they fayle not) to meete att such seūall places of appoyntm^{te} as shalbee most convenient on y^e Lords day, where they may attend such instruōn as shalbee giuen them by those whose harts God shall stirr vpp to y^t worke; and it is hereby further declared (as y^e desire of this Courte) y^t those townes that lye most conuenient to such places of meetinge of y^e Indians would make choyce of some of theire brethren (whome God hath best quallified for y^t worke) to goe to them, (beeinge soe mett,) & instruct them, (by y^e best interpreter they can gett,) y^t if possible God may haue y^e glory of y^e conūsion (at least) of some of them in y^e vse of such meanes God giues vs to afoard th[em]/

1644.

10 June.

*It is ordred, that Lynn Village shalbee calld Reddinge, as y^e desire of y^e ffreemen thereof/

[*6^a.]

Thom^s Dyer hath liḃty to keepe an ordinary att Weymouth, & to drawe & sell wine./

By both
howses.
By both
houses.

It is ordred, that Captā Hawkins, M^r Glover, M^r Mayhewe, Ensigne Tomlins, & M^r Steevens are chosen a comītee for y^e draweing vpp of an order about shipp carpenters, (respectinge theire ingadgm^{ts} to those y^t employ them./

Captā Hawkins (vppon his request) hath liḃty from this howse to attend his owne vrgent occasions till y^e next fife day att night./

11^o: 4 M^o.

It is ordred, that o^r p^sent Goūner shall haue twentie pounds speedily paid him, in p^te of y^t soīe y^e country shall alowe him for this his yeares service ensueinge./

11 June.
By both
howses.

It is ordred, that M^r Speaker, Captā Cooke, & M^r Dummer are chosen a comītee to consider of & to drawe vpp an order to p^vent the members of this howse from discloseinge any of y^e priuate buisnesses thereof abroad, as alsoe to drawe vpp an order for y^e p^venteinge of falce rumo^{rs} w^{ch} are to frequently spread wthin this jurisdiōn./

It is voted, that Thomas Mekins, (one of y^e dep^{ts} of y^e towne of Brayn-tree), att y^e request of y^e towne, is dismiss this Courte./

It is ordred, that o^r last comissio^{ns} for y^e Vnited Collonys doe make returne of theire comīssion to this Courte./

It is ordred, in answe^re to y^e petiōn of Xp^ofer Hussie, & 18 others of y^e inhabitants of Hampton, that M^r Bellingham, M^r Soltonstoll, & M^r Broadstreete are a comītee chosen to examine & to judge of y^e d^rences betweene

1644. y^e inhabitants of Hampton. The same answer is likewise giuen to two other
petiçōns from y^e inhabitants of y^e same towne, vppon y^e same drences./

11 June.

It is ordred, in ans^r to Lifte^{te} Howards petiçōn, that his charges alowed him, to bee p^d him by y^e towne of Hampton, bee forborne vntill y^e foregoeing comitte of mag^{tes} doe end y^e drences betweene y^e inhabitants of the said towne./

The petiçōn of Edw: Gardⁿ is answered by declareinge it to bee y^e minde of this Courte, that hee ought (by vertue of his place) to take such fines as are alowed by y^e Courte for y^e neglect of y^e order y^t enioynes townes to p^{ro}vide for y^e makeinge of saltpeeter./

It is ordred, (in ans^r to the petiçōn of M^r Tho: Venn,) that there shalbee as much land graunted to y^e said petiçōn as may answere y^e sōme of money w^{ch} hath (by his father) bin putt into the countrys stocke, or accordinge to y^e pporçōn of others, and y^t when y^e sōme of money is made knowne to this Courte, w^{ch} power from his father to demaund & receaue y^e same./

[*7^a.]

*It is ordred, (in ans^r to y^e petiçōn of y^e towne of Exeter,) that Sam^l Greenefeild is denyed to drawe wine vntill y^e Courte haue a more full & satisfactory informaçōn of him; as alsoe y^t it is not thought meete y^t Rich: Bullgar should bee there listen^{te} vntill further informaçōn bee giuen to this Courte of y^e said Bullgar, in y^e meane time hee to exercise the trayne band as there ser^{te}./

It is ordred, (in ans^r to y^e petiçōn of p^{te} of y^e inhabitants of Newbery,) that noe village or towne shalbee erected w^{ch}in the bounds of y^e said towne vntill such time as y^e petiçōn^s bee ans^{red} by way of comiission or otherwise./

It is ordred, (in answere to y^e petiçōn of Joseph Armitage,) that M^r Ottley shall pay him y^e vmpidge graunted him by M^r Downeinge & M^r Hawthorne, whoe were men chosen to end drences betweene them./

It is ordred, (in answere to y^e petiçōn of Wit^{hm} Bridge,) that this Courte thinks not meete to graunte land to any vppon such consideraçōns therein expst, but advise such to looke after newe plantaçōns./

It is ordred, (in answere to y^e petiçōn of Adam Ottley,) that (forasmuch as this Courte conceaues y^e said petiçōner will not bee advantaged by graunte of his petiçōn concerneinge his desire of a reveiwe of y^e drences betweene him & Joseph Armitage) it is thought meete y^t hee should stand to y^e vmpidge of M^r Downeinge & M^r Hawthorne./

It is ordred, (in answere to y^e petiçōn of Edw: Michellson concerneinge y^e fortie pounds hee owes y^e country,) that whatsoe^u hee (y^e said petiçōn) can make to appeare vppon good acc^o, (w^{ch} hath not bin formerly accompted for,)

hee shall haue y^t some or somes abated of y^e said fortie pounds, & y^t the said petiçõner pay in the rest accordinge to his engagm^{te}./

1644.

11 June.

It is ordred, (in answere to y^e petiçõn of Josuah Hewes, as agent to M^r Josuah Foote,) that M^r Heues (as agent to M^r Foote) may attach M^r Foxcrofts estate in y^e hands of his agents, M^r Treasurer Tinng & M^r David Yale, & pceed to judgm^{te}; and vpon execuçõn graunted him, (if M^r Foxcrofts said agents shall not accordingly make full sattisfaçõn,) that then they shall declare to y^e Courte, vpon oath, w^t estate they haue in their hands of y^e said M^r Foxcrofts, when the attachm^{te} was served./

**Att a Gennerall Cow'te of Elecçõn, y^e 14th 3 M^o, 1645, begunne, & held, & continewed at Boston, y^e 3^d, 4th, & 5 Moths.*

1645.

14 May.

[*1.]

Elected by y^e ffreemen for y^e yeere ensewinge : —

Thomas Dudley, Esq^r, Gou^rno^r,
John Winthrop, Esq^r, Dep^t Gou^rno^r,

Assistants, John Endecott, Esq^r, S^rg^{nt} Major Gennerall,

Herbert Pellam, Esq^r,
Richard Bellingham, Esq^r,
Rich Saltonstall, Esq^r,
John Winthrop, Jun^r, Gent.,
Simon Bradstreete, Gent.,
Increase Nowell, Gent., Sec^t.,
W^m Pinchon, Gent.,
Thomas Flynte, Gent.,
W^m Hibbings, Gent.,
M^r Sam : Simonds, Gent.,

Richard Russell, Treasu^re^r.

The dep^{ts} sent by each toun wthin this collony to attend y^e buisnes of this

Courte are : —

Salem : M^r Hawthorne & M^r Hen : Ba^rtholmew.

Charlesto^w : Lef^t Sp^raunge & Tho : Lyne.

Do^rchest^r : Lef^t Duncomb & Lef^t Athe^rton.

Bos^ton : Maj^{or} Gibbons & Cap^t Keayne.

Roxbury : Jo : Johnson & W^m Parks.

Wa^re^rto^w : Cap^t Jenison & Lef^t Mason.

Lynne : Cap^t Bridges.

Cambridge : Cap^t Cooke & M^r Shepheard.

Ipswich : M^r Hubbard & Josep^h Medcalfe.

1645.

14 May.

Newbery : Mr Dummer & Mr Rawson.
 Weymouth : Left Tory.
 Hingham : Mr Allen & Josh: Hubbard.
 Concord : Left Willard.
 Dedham : John Heyward.
 Salisbury, Mr Winsley.
 Hampton : Capt Wiggin & Left Howard.
 Rowley : Mr Carleton, Math Boyce.
 Braintree : Sam: Basse & Peete Bracket.
 Sudbury : Edmond Goodenowe.
 Douer: William Heath.
 Strawberry Bancke.
 Gloucester : Mr Prichard.
 Woobourne : Left Johnson.
 Wennham : Mr Sparowhauke.

Mr W^m Hawthorne, one of y^e Howse of Deput^s, was by them }
 chosen their Speaker for this session. Speaker.

[*2.]
 By both
 howses.
 By both
 howses.

ITT is ordered, y^t y^e Major Genne^rall for y^e time being shall haue like
 comission vnder y^e seale of the collony y^e former Major Gen^rill had.

Itt is ordered, y^t Maj^{or} Edward Gibbons shall take order to send two shal-
 lopps furnished wth men, to goe, according to y^e Courts appointment, fo^r y^e
 disco^ury of what y^e shipp y^t lyeth ho^uing about these coasts is, & whence, &c.;
 the chardges to be defrayed out of y^e custome of wyne.

Voted.

Mr Carleton, Mathew Boyce, W^m Parkes, Joseph Medcalfe, & Left Ath-
 erton are chosen a comitte^e to consider of y^e se^ruall peti^{ti}ons deliuered to
 them by this howse, & to retourne their thoughts & conclu^{si}ons thereabou^{ts}
 indorsed on y^e back side of each peti^{ti}on.

By both
 howses.

Itt is ordered, y^t y^e Maj^{or} Generall, Cap^t Cooke, & Mr Shepard drawe
 vp a comission fo^r Mr Allen in refference to y^e message he is designed to by y^e
 Courte, conc^{er}ne y^e shipp on y^e coast.

Voted.

Mr Bartholmew, John Johnson, Left Sprauge, Mr Winsley, & Mr Hub-
 bard are chosen a comitte^e to consider of y^e best wayes & meanes to destroy
 y^e wolves w^{ch} are such ravenous cruell creatures, & daily vexatious to all y^e
 inhabitan^{ts} of y^s collony, & to p^{re}sent their thoughts & conclu^{si}ons therea-
 bouts to this howse.

Voted.

Itt is desired, y^t o^r honno^{red} magis^{ts} would be pleased to make choyce of
 some of themselves to joyne wth Cap^t Cooke, Cap^t Wyggins, and Left John-
 son, who are chosen by y^e depu^{ts} to be a comitte^e to consider of such cases
 as may admitte of appeales, y^t thereby p^{ro}vi^{si}on may be made for y^e releife of y^e
 subiect in such cases as may ffall out of this nature.

An oath to be administred to y^e su^rveyo^r of leather.

1645.

Whereas yow are chosen an officer for y^e su^rveying & sealing of leather wthin y^e towne where yow now dwell, for y^e space of a yeere, & vntill new be chosen & sworne in yo^r roome, yow now sweare by y^e eūlivinge God, y^t yow will carefully & dewly attend y^e ex^ecution of yo^r said office wth all faithfullnes for y^e good of y^e co^monweale, according to y^e true intente of y^e o^rde^rs in such case provided. So helpe yow God.

14 May.

By both
howses.

Itt is ordered, y^t M^r Speaker, Major Gibbons, M^r Dummer, Lef^t Duncomb, & M^r Sparowhawke shall joyne wth o^r honno^red Dep^{ty} Goū^r, M^r Bradstreete, & M^r Hibbins as a co^mittee to consider of some way whereby y^e negative vote may be tempered, y^t justice may have free passage, & y^t y^e retourne of y^e co^mittee be p^sented to y^e consideration of y^e Courte.

By both
howses.

An oath for y^e Asistants.

*Whereas yow are chosen to y^e place of Assistants ouer y^e ju^risdi^cō for this yeere, & till new be chosen & sworne, yow doe heare sweare, by y^e livinge God, y^t yow will trewly indevo^r according to yo^r best skill, to carry & demeane yo^rself in yo^r place for y^e said time according to y^e lawes of God & of this land, for y^e advancement of y^e gospell & the good of y^e people of this planta^cōn. Yow shall dispence justice equally & impartially, according to yo^r best skill, in all cases wherein yow shall act, by virtue of yo^r place; yow shall not wittingly & willingly exceede y^e limita^cōns of yo^r place; & all this to be vnderstood during yo^r aboade in y^e ju^risdi^cōn. [*3.]

By both
howses.

Rob^t Turner is graunted his peti^cōn, viz^z: to have sixteene pounds therein men^cōned, p^rvided y^t it be not formerly disposed of to any other.

By both
howses.

M^r Shepheard, Cap^t Bridges, Lif^t Willard, M^r Rawson, & M^r Prichard are chosen a co^mittee to drawe certaine bills for possitive lawes, as agⁿt lying, Saboath breaking, swearing, drunkenesse, &c., & p^sent w^t y^ey shall doe therein to this howse. Voted.

In ans^r to a peti^cōn of M^r Rob^t Harding, itt was ordered, y^t he should be allowed twenty shillings for his journey to y^e Na^agansetts.

By both
howses.

Pomhom & Sacoronoco complayning to vs y^t many Indians dwelling twenty miles beyond them (being freinds & helpers to y^e Narragansetts in their p^sent warres wth Vncus) are come vpon their land, & have planted vpon the same agⁿt their wills, they not being able of themselves to remoove them, & therefore desire o^r counsell & helpe: wee therefore advise them to send a messenger to y^e sachem of those intruders, to come to vs, and give an accompt

By both
howses.

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14 May.

By both
howses.

of such his intruçon. If he refuse to come, then wee would have our messenger chardge them to deſte from Pomhams land, w^{ch} also if they refuse, then wee shall accompt them as enemyes.

Itt is ordered, y^t Cap^t Perkins, Lef^t Tory, & John Whitman doe end smale cawses for y^e toune of Weimouth, & they have authoritye from this Courte so to doe, according to order.

By both
howses.

Mr Samuell Dudley, Mr Winslye, & Ro^{bt} Pike are appointed to end smale cawses for y^e toune of Salisbury for y^e yeere ensewing, & have authority from this Courte so to doe, according to order.

By both
howses.

Edward Burcham is appointed clarke of y^e writts for y^e toune of Lynne./

[*4.]

By both
howses.

*Whereas it is conceaved that y^e trayning vp of youth to y^e arte & practice of armes willbe of great vse to this countrye in diuers respects, & amongst y^e rest, y^t y^e vse of bowes & arrowes may be of good concernement, in defect of poudre upon any occaçon, itt is therefore ordered, y^t all youth wthin this iurisdicçon, from tenne yeeres old to y^e age of 16 yeeres, shall be instructed by some one of y^e officers of y^e band, or some other experienced souldier whom y^e cheife officer shall appointe, vpon the vsuall trayning dayes, in y^e excersise of armes, as smale gunnes, halfe pikes, bowes & arrowes, according to y^e discretion of y^e said officer or souldier, provided y^t no child shall be taken to this excersise ag^{nt} their parents minds. This order to be in force wthin on: month after y^e publicaçon.

By both
howses.

Sa^{rg}^{nt} Majo^r Gen^l Endecot, Mr Bradstreet, & Mr Flynt, Mr Hawthorne, Cap^t Cooke, & Cap^t Jennison are appointed a comittee so to examine y^e Hingham buisnes as to applye y^e seuerall deposiçons to y^e seuerall cawses heard, & accordingly to state y^e case, & to take any further deposiçons y^t shall be tenderd in this case of Mr Allen, or any of y^e petiçone^rs of Hingham, y^t so there may be a more orderly pceding to an issue.

By both
howses.

James Penne hath license graunted him to drawe wyne, so long as he keepes entertainment for y^e Courte in Boston, either at y^e howse where y^e Courte now sitts, or where they shall sitt hereafter.

Vesseils to
have free ac-
cess.

Voted.

Itt is ordered, by y^e authoritye of this Courte, y^t all shippes from any of y^e portes of our native countrye, or elſewhere, coming peaceably, shall have free accesse into our harbors, & pteçon heare, if they pay y^e deuty^es & chardges required by lawe in the countrye, as others doe.

By both
howses.

Mr Noyce, Walte^r Haymes, & W^m Ward are appointed to end smale cawses for y^e toune of Sudbury for y^e yeere ensewing, according to order.

By both
howses.

Itt is ordered, y^t Mr Bradstreete & Mr Hawthorne shall have allowed to them out of y^e next countrye rate w^t y^ey have not rec^d of y^e 12^t 11^s 9^d expended vpon their jo^{ney} to Coⁿnectiut, viz^l.: by Mr Bradstreet 6^t 8^s 0^d, &

by Mr Hawthorne, 6^t 3^s 9^d; Mr Bradstreete having rec^d 3^t, & Mr Hawthorne 2^t 14^s of y^e said sommes. 1645.

The petiōners about y^e cargo of y^e shipp Rainbowe being come to an agreement amongst themselves, & having given security to be responsall, as y^e Courte shall order vpon the tryall, for what shallbe delivered to them, y^t so y^e wynes may not suffer damage, their petiōn was graunted.

*Att y^e moōn of John Johnson, gennerall s^rveyo^r of y^e armes, his howse being lately burnt, some papers w^{ch} he was betrusted wth, of concernement to y^e cōuntrye, very hardly escaped, itt was ordered, y^t a receipt he had vnder y^e hands of Mr Stēphen Winthrop should be trewly copyed out & recorded by the clarke of this house; w^{ch} is

Receaved of Mr John Johnson, s^rveyo^r, one bond of Cap^t Israell Stoughton, by w^{ch} he is indebted 248^t; also, receaved a bill of exchange of Mr Edward Ting, of sixty three pounds, eight s., & nyne pence.

Boston, Deceñ 9, 1644.

STEPH: WINTHROPP.

Itt is ordered y^t y^e Gennerall Courte shallbe adiourned till y^e 3^d day of y^e weeke at noone, being y^e 10th day of y^e 4th month, 1645.

Whereas cōmission was graunted, by order of this Courte, to Herbert Pellam, Esq^r, Mr Thomas Flynt, Left Willard, & Peeter Noyce, in nature of a cōmission of sewers for y^e better secureing & impving of y^e ground vpon y^e riuer ruīng by Concord & Sudbury, itt is now declared, y^t y^e intent of y^e Courte was, y^t if all y^e said cōmissioners should not meete vpon any occaōn, yett any three of them might pceede acording to y^e said cōmission.

This Courte being sencible of y^e many publicke employments y^t y^e magi^{sts} are called to, w^{ch} dayly encreaseth, & w^{ch} necessarily occaōns much expence of their time, to y^e p̄iudice of their familyes & estates, knowing y^e straitnes of things in y^e cōuntrye, & y^e just care y^t this Courte ought to take, to see y^t none be vnequally burthened, or discouradged from doing service to y^e cōuntrye in such places as they may be called to, doe therefore hereby order, y^t such as are chosen this yeere to y^e place of an Asistant, & so those y^t shall hereafter be chosen, shall have five hundred pounds estate allowed to each of them, rate free, both from toun & cōuntrye levyes, for y^e space of three yeeres. Provided y^t in case any such Asistant shall be left out at y^e day of elecōn, or otherwise, wthin y^e said terme of three yeeres, y^t then such Asistant (so left out) shall not claime y^e benefitt of this order for so long time as he is dischargd of being a Asistant; and y^t there may be an æquall, just, & impartiall hand carryed towards each toun in y^e bearing of y^e Asistant^s said allow-

1645.

14 May.

ance, itt is ffurther ordered, that all such toune & countrye rates as shallbe æqually & pporcōnably layd vpon y^e estate of any Asistant, to y^e vallew of 500^l, as aforesaid, shallbe paid out of y^e treasury, by virtue of a tickett, to be sent by y^e constable of y^e said toune, vnto y^e treasurer, signed & subscribed by such said Asistant or Asistants whom it may concerne, according to y^e true intent & candid meaning of this order.

[*6.]

By both
howses.
R. Saltonstall
claim to land
in Watertown.

*In answ^r to M^r Ro^{bt} Saltonstall his petiçōn concerninge his title to land in Water Toune is, y^t y^e Courte conceaves y^t y^e order in y^e petiçōn mençōned (w^{ch} is by y^e petiçōn desired to be explainned) doth sufficiently explane itself, viz^t: y^t S^r Richard Saltonstall shall have a true title to y^e land in y^e toune of Water Toune, w^{ch} he shall pve to have binn mowed by him or his agent 4 yeeres together, & no other.

Clerks of Com-
pany's.

Lef^t Johnson, Lef^t Duncombe, & Cap^t Keayne are chosen a cōmīttee to search y^e Courte booke for all such orders as concerne y^e clarkes office of y^e millitary companyes or trayned bands, to bring them into a modell, & to p^sent it to y^e howse; also to rectifye y^e clarkes oath wth relaçōn thereto, & a bill for y^e choise of s^rg^{nt} maj^{ors}.

By both
houses.
S. M. General
Endicott com-
pensated.

It is ordered, y^t o^r now honnored s^rg^{nt} majo^r generall, John Endecott, Esq^r, for his service y^e last yeere, in y^e place of a Gou^{rn}r, shallbe allowed out of y^e treasury 100^l, he giving security to repay w^t he formerly rec^d y^e last yeere of y^e last Treasurer, wthin two yeere from this date.

Indian trade,
com^{it} on.

M^r Speaker, Lef^t Duncombe, & John Johnson are chosen a cōmīttee to joyne wth some of y^e magis^{ts} to consider of such obiections as will necessarily arise ag^{nt} y^e last Cou^rs order about y^e Indian trade.

Com^{it} on burn-
ing grounds.

Lef^t Mason, W^m Heath, & W^m Parkes are chosen a cōmīttee to consider of y^e order for y^e burning of grounds, & w^t is to be rectified in it, & to p^sent their thoughts about it to y^e howse.

Arms to be ac-
counted for.
By both
howses.

Itt is ordered, y^t all such as received any cōppyes of notes deliuered in by y^e generall s^rveyo^r, of w^t armes their tounes stands chardged wth, should send in y^e same, or trew cōppyes thereof, to y^e said s^rveyo^r, at Richard Fairebanks howse, in Boston, wthin a fortnight after y^e sitting of y^e Courte.

Castle, propo-
sitions respect-
ing.

Majo^r Gibbons, Lef^t Atherton, & Cap^t Jennison are apointed & chosen a cōmīttee to joyne wth a cōmīttee of o^r honno^{ed} magis^{ts}, to consider of y^e seuerall pposiçōns retourned by o^r honno^{ed} magis^{ts} in ans^r to certaine pposiçōns of y^e cap^t Castle, also of y^e cōmission of y^e cap^t of y^e Castle, w^t in it is to be rectified, & y^t y^e consider of y^e store of armes & a^munition should be sent to supply y^e garrison at y^e Castle, & to p^sent their thoughts of each of these to both howses.

[*7.]

Tho^s White,
petition of.

*In answ^r to a petiçōn of Thomas White, itt's graunted he should have full

state & possession of y^t bargaine made betweene himself & y^e wyddowe Swifte, of Sandwich, &c., except such as it may concerne, vpon notice, shall come in at y^e next session of this Courte, & shew cawse to y^e contrary. Itts further thought fitt y^t if Thomas White should not enioy y^e land, yett necessary chardges as he shall expend vpon it should be allowed him vpon his accompt.

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14 May.

By both howses.

In answ^r to M^r Batchilers petiçon, y^e Howse of Dep^{ts} conceave it*not meete to allowe him any thing, but leave him at his libertye to seeke his remedy at any of y^e Courts of Salem or Ipswich.

Answer to M^r Batchilder.

Cap^t Wiggyn, M^r Shepheard, & M^r Carelton are appointed a comittee to consider of y^e petiçons y^t are brought in y^e session, & p^sent their thoughts thereabouts to y^e howse.

Com^{tees} on petitions.

In answ^r to John Russe his petiçon for 14^s, for fferrage for y^e magis^{ts} & depu^{ts} to Dover & Boston, itts graunted y^t y^e Treasurer shall pay it to said John Russe, & call for y^e one halfe thereof againe from y^e inhabitants of Douer.

Deputies.

By both howses.

Ferage.

In answ^r to y^e petiçon of y^e company at Nashaway, y^e towne of Sudbury is graunted twenty pounds towards their finishing of their bridge, & way at end of it, to be paid when they shall have made y^e way passable for loaden horse, p^{vi}ided it be donne wthin a twelvemonth from this time, 15 June, 1645.

Sudbury, grant to.

15 June.

M^r Shepheard, John Johnson, & Cap^t Wiggin are chosen a comittee to consider of y^e lawe for y^e disposing of inmates, & setling impotent aged p^{so}ns, or vagrants, & either to rectifye it where it is defective, or drawe vp & p^ferr a bill y^t may answ^r y^e expectaçon of each toune, & y^e whole countrye, y^t euy toune may knowe w^t may be their oune burdens, & p^{re}vent multiplying of petiçons to y^e Cou^rte hereabouts, & p^sent their thoughts herein to this howse.

Com^{tees} on impotent persons, or vagrants.

Left Willard & Edmond Goodenow are dismist from y^e occaçons of howse till second day next at noone.

Deputies excused.

The Courte appearing & sitting about y^e time to w^{ch} it was adio^fned.

10th July. Court meet.

Itt is ordered, y^t y^e comittee for y^e Vnited Collonyes shall be mixtly chosen, one magis^{te} & one freeman.

M^r Allen & Joshua Hubbard are dismissed from y^e occaçons of y^e howse till y^e second day att night.

*Itt is ordered, y^t y^e s^rveyo^r generall shall enquire after y^e retourne of y^e bill chardged on M^r Stoughton for 248^t, and also after a bill chardged on M^r Edward Ting of 63^t 8^s 9^d, and if there be any p^{te}sts of them or either of them, to make retou^rne of w^t he hath grounds for in this respect.

[*8.]

M^r Stoughton and Ting to make report.

Majo^r Gibbons & Cap^t Jennison are chosen a comittee to confer wth our honno^{ed} magis^{ts} about M^r Mortons petiçon, & to vnderstand y^e reason why he came not to his tryall y^e last Q^rr Courte.

1645.

16 June, 1645.

16 June.
By both
howses.
Courts provi-
der to be com-
pensated.

This Courte, considering y^e many difficultyes y^t such meete wth y^t makes p^{ro}vi^{si}on for this Courte, att his mo^{ti}on who now makes p^{ro}vi^{si}on for y^e same for such p^{ro}por^{ti}onable pay to be made him out of y^e next country rate as may enable him comfortably to goe thorough y^t w^{ch} he is called vnto, & may be expected from him, doe order y^t w^{ts}oe^{er} chardge for diet shall be expended for y^e time to come for y^e p^{re}sent sessions of this Courte, it shall be satisfied by y^e seuerall tounes acording to their æqual p^{ro}por^{ti}ons in catle, wheate, malte, & barly wthin 3 months from y^e date hereof.

Sam^l Bass ex-
cused.

Sam: Basse is dismist from y^e occa^{si}ons of this howse till y^e 3 day next at 8 in y^e morning.

Quest^r about
M^r De la Tour
postponed.

In ans^{er} to o^r honno^{red} magis^{tr} bill of quæries about M^r De La Tour, the depu^{ties} conceave y^t but few of y^e elders meete at Cambridge this weeke, besides M^r Allen not being yett retourned, o^r mayne buisnes being y^e making of lawes & many other buisnesses now in transac^{ti}on in Courte, they judge it not convenient to take this buisnes into considera^{ti}on at p^{re}sent.

Y^e Court dis-
mist till 2d day
at 1 of y^e clock
in y^e aft^rnoone.
Dispute on the
power of com-
manders of ves-
sels.

The Howse of Depu^{ties}, vpon much serious debate, dissent from our honno^{red} magis^{tr} in y^e bill sent frō them for y^e giving, or w^{ch} seemes to give them, or any of them, power to licence any co^mmand^{rs} of any vessells to make a fight in o^r harbo^{rs}, & therefore desire a conference wth them for a more speedy issue herein.

The Howse of Depu^{ties} cannot concur wth o^r honno^{red} magis^{tr} in their bill to punish excommunicate p^{er}sons.

[*9.]

By both
howses.
Jn^o Johnson to
account for
money rece^d.

*Whereas y^e so^me of fforty pounds was by this Courte given to John Johnson, generall s^{er}veyo^r, wth reference to y^e service he hath donne for y^e countrye seuerall yeeres past, & fo^rasmuch as some p^{ar}te of those monyes w^{ch} was assigned to him, (y^e Treasu^{er} hath receaved,) itt is therefore ordered, y^t y^e said John Johnsō shall gather vp all those monyes fo^rmerly assigned him, (w^{ch} y^e Treasu^{er} hath not rec^d or disposed of,) & w^t it shall fall shorte of y^e 40^l he shall receave of y^e Treasu^{er}, provided y^t he give in a just accom^pt y^e next Court of whome & how much he hath receaved of those moneyes fo^rmerly assigned him.

Certain modes
of procedure
recommended
for the Court to
adopt respect-
ing the artille-
ry.

In o^r conference wth o^r honno^{red} magis^{tr}, itt is agreed by y^e Howse of Depu^{ties} y^t y^e Speaker should moove y^t so^me such course may be taken, & order made, as y^t y^e great artillery, by virtue of power therefrom, as just occa^{si}on shall p^{re}sent, be made vse of for o^r defence; 2^{ly}, to mo^{ti}on either a retourne of our bills, or such course as may p^{re}vent mistakes thereabouts; 3^{ly}, y^t nothing be mooved by any member of this howse y^t is not men^{ti}oned in y^e recorde

of o^r conference; & if any shall so doe, y^t o^r Speaker shall make knoune to y^e whole Cou^rte y^e determinacōn of y^e howse in y^s respect. 1645.

Itt is heereby declared to all m^rs & owne^rs of shipp^s y^t shall voluntarily come wth shipp^s to trade wth vs from any p^{ts} abroad, y^t it is y^e minde of this Cou^rte, & it is hereby ordered, y^t no shipp^s, being wthin o^r harbor, shall be suffered to fight wth any other shipp or vessell during the time of their abode there, nor shall be molested by vs, except shee give just ground of offence, & leave graunted by y^e state, or by such as y^e state shall give cōmission vnto in y^t p^ticuler.

16 June.
Regulation of
armed vessels.
By both
howses.

The Howse of Deput^{es} cannot concurre wth o^r honno^red mag^{ts} in passing y^e bill for y^e country being credito^r where is not sufficyent to pay such credito^rs as shall first sue, & by suite recoū on y^e debto^r.

Deputies &
magistrates
differ in opin-
ion on suits.

The order for allowing 3 q^{rt}s of wyne or 1 bushell of Indian co^rne to any Indian for y^e killing of wolves is hereby repealed.

By both
howses.

Cap^t Cooke & Cap^t Jennison are chosen a cōmittee to conferr wth some of o^r honno^red magis^{ts} about y^e letter sent from M^r Haynes concerning Vncas & y^e Narragansett.

Wolves, law for
killing, re-
pealed.
Committee on
letters from M^r
Haynes.

*Whereas great losse & damage doth befall this cōmonwealth by reason of wolves, w^{ch} doe destroy so great nombe^rs of o^r catle, no^twthstanding p^rvision hath formerly benne made by this Courte for suppressing of them, and wee find litle hath binn donne y^t way for y^e better incouraging of any to sett about a worke of so great concernement, itt is therefore ordered, y^t any p^{son}, either English or Indian, y^t shall kill any wolfe or wolves wthin tenne miles of any planta^cōn in this jurisdic^cōn, shall have for eūy wolfe by him or them so killed, tenne shillings, to be paid out of the treasury of y^e country, p^rvided y^t dew prooffe be made thereof vnto y^e planta^cōn next adioyning where such wolfe or wolves were killed, & also y^t they bring a certificate vnder some magis^{ts} hand, or y^e cōnstable of y^t place vnto y^e Treasu^rer; p^rvided also y^t this order doth only intend such planta^cōns as doe contribute to public^k charge; & for such planta^cōns vpon y^e riuer of Piscataq^u y^t doe not joyne wth vs to carry on publicke chardge, they are to make payment vpon their owne chardge.

[*10.]
Wolves, en-
couragement
to destroy
them.
By both
howses.

And y^e lawe for allowance of one bush: of Indian co^rne or 3 q^{rt}s of wyne to any Indian for killing of any wolfe, is hee^rby repealed.

Seuerall inhabitants of y^e toune of Hingham, to the nōumber of 81, peti^cōning this Court for a redresse of seuerall evils w^{ch} in their peti^cōn they complained of, as of their libertyes being infringed, &c, amongst them, Joshua Hubbard, John Faulsham, & John Tour laying a chardge on y^e Deput^{es} Gofino^r ffor illegall imp^risoning of some of them, & forcing the first wth othe^rs

Hingham com-
plaint.
Courts proceed-
ing.

1645.

16 June.

to give in bond wth suerties to appeare & answer at y^e next Quarter Courte what should be layd ag^{nt} him & them : the peti^{con} was read, & their request graunted that the whole cause should be heard & tryed. The p^{ty}es above named laid their chardge above men^{con}ed on y^e day of tryall on John Winthrop, Esq^r., Deputy Gou^{no}r, who gave his answer, whereon the Courte p^{ceeded}ed to judgmen^t.

Business with
the French ad-
justed.

That there might not any guilt lye hidden in y^e seuerall carriages of the French buisnes by sea or land w^{ch} the country might become liable to ans^r for to God, this Court hath ordered & doth appointe y^e honno^{red} Gou^{no}r & Left Atherton, M^r Pellam & Cap^t Cooke, M^r Saltonstall & M^r Hawthorne, as com^{ission}rs, & com^{ission} is graunted them wth pow^{er} to sum^{on} wittnesses in their se^uall shieres, & a^pte to examine them, sea^{ch}ing out the truth of the case as they shall see cawse, making their rep^e to the next session of y^e Gen^{ll} Courte.

Magistrates
opinion on
Hingham re-
quested.

The Howse of Dep^{ts}, being at a stand for p^{sent}, & not having deter- mined any thing vpon y^e Hingham case, doe desire o^r honno^{red} magis^{ts} y^t y^{ey} would send vs their thoughts & votes vpon y^e whole case, y^t so wee may come to a more spedy issue thereof.

[*11.]

Lying, or
spreading false
reports, pun-
ishable.
By both
howses.

*Whereas truth in words aswell as in ac^{cons} is required of all men, es- pecially of Christians, who are y^e p^fessed servants of y^e God of truth, & whereas all lyeing is contrary to truth, & some sorte of lyes are not only sin- full, (as all lyes are,) but also pⁿitious to y^e com^{on}weale & iniurious to p^ticu- lar p^{sons}, itt is therefore ordered, y^t eu^{ry} p^{son} of y^e age of discretion, w^{ch} is accompted 14 yeeres, who shall wittingly & willingly make or publish any lye w^{ch} may be pⁿitious to y^e publiq^{weale}, or tends to y^e da^mage or iniury of any p^ticular p^{son}, or wth intent to deceave or abuse y^e people by false newes or repor^{ts}, & y^e same dewly p^{ved} in any Cou^{rte} or before any one magis^{te}, who hath hereby power graunted to heare & determine all offences ag^{nst} this lawe, such p^{sons} shall be punished after this manner : For y^e first offence tenne shillings ; or if y^e p^{tye} be vnable to pay y^e same, then to sitt so long in y^e stockes as y^e said Cou^{rte} or magis^{te} shall appointe, not exceeding two howers ; — ffor y^e second offence, (whereof any shallbe legally convicted,) ye some of twenty shillings ; or if ye p^{ty} be vnable to pay, then to be whipped vpon y^e naked body not exceeding tenne stripes ; — for y^e third offence, fforty shillings ; or if y^e p^{tye} be vnable to pay y^e same, then to be whipped wth more stripes, not exceeding ffifteene ; — & yett if any shall offend in y^e like kinde, & be legally convicted thereof, he or shee shallbe fined tenne shillings a time more then forme^{rly} ; or if y^e p^{ty} so offending be vnable to pay, then to be whipped wth 5 or 6 stripes more then forme^{rly}, not exceeding forty at any

time; y^e aforesaid fines to be levied or stripes inflicted either by y^e ma^rshall of y^t jurisdic^{ti}on or constable of y^e towne where y^e offence is comitted, according as y^e Cour^te or magis^{ts} y^t have iudged y^e cawse shall direct; & such fines, so collected, shall be paid into y^e treasurer of y^t shiere where y^e cawse is tryed; & if any pson shall find himselfe greived wth y^e sentence of any such magis^{ts} ou^t of Cour^te, he may appeale to y^e nex^t Cour^te of y^e same shiere, giving reasonable securitie to psecute his appeale & abide y^e order of y^e Cour^te; & if y^e said Cour^te shall iudge his appeale cawselesse, y^e said appellant shall be doubly fined or corrected by whipping as aforesaid, not exceeding y^e former number of forty stripes, & pay y^e costs of Cour^te, & of y^e p^{ty} complayning or informing, & wittnesses in y^e case; and for all such as, being vnder age of discretion, shall offend in lyeing contrary to this order, their pa^rents or m^rs shall give them dew corection, & y^t in y^e p^sence of some officer, if any one magis^{ts} shall so appointe; p^rvided also, y^t no pson shall be barred of his just ac^{ti}on of slaunder or otherwise by any pceeding vpon this order.

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16 June.

*Itt was resolved vpon y^e quæstion by vote, y^t y^e Speaker is moderator of y^e Howse of Depu^{ts}, (for y^e time being,) & hath a casting vote, when it falls out to be an æquivote. [*12.]

Speaker allowed to vote.

By y^e dep^{ts}, Cap^t Rob^t Keayne, W^m Parkes, contra dicentes.

Itt was resolved vpon y^e quæstion, by vote, y^t no member of this howse shall have liberty hencefo^rward to enter his contradicent to any vote y^t shall passe this howse in y^e absence of such members, when such absence is occasioned by their oune p^rivate occasions. Dissent to votes regulated. By y^e Dep^{ts}.

About Hingham case.

Itt was resolved, vpon y^e quæstion, viz., (Whether Anthony Eames was confirmed in his lefts office by authoritye,) that Anthony Eames was not confirmed in his lefts office by authoritye. Anthony Eames's commission not confirmed.

An æquivote of 16 dep^{ts} being past in y^e case, y^e lawe of liberty y^t gives y^e moderator a casting vote, cast it on y^e negative p^rte to y^e quæstⁱ.

The retou^rne of o^r honno^red magis^{ts} to y^e case.

Affirminge,

1. That wee finde y^t Lef^t Eames was y^e cheife officer of y^e millitary company at Hingham, when most of y^e company refused to be trayned by him, according to y^e advice of y^e magis^{ts} in y^e time of y^e last Gennerall Cour^te. Magistrates opinion on Lieut. Eames.

The Howse of Dep^{ts} assent to y^e magis^{ts} affirma^{ti}on by 18: contra dicentes 12.

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Further on
Lieut. Eames.

2. Wee finde y^t y^e Gofin^r, Dep^ty Gofin^r, & Major Gennerall allowed & approved him to be left of y^e same company wth vnanimous consent.

3. Wee finde y^t though he laid doune his place, it was of no validity, it being neūr allowed by authority; & if it were, yett he was chosen againe by y^e company of Hingham, & confirmed at y^e last Gennerall Cou^{te}, by y^e counsell, for life, wth y^e consent of y^e magis^{ts}, & by y^e warrant of y^e major generall, to trayne them as their left.

The House of Dep^{ts}, deviding y^e 3^d affirmacōn into two seūall votes, to both p^{ts} they did dissent fro^m o^r honno^red magis^{ts} affir^mō.

To y^e 1st p^{te}, 17 discent, 16 concu^rring; to y^e 2^d p^{te}, 15 discent, 14 concu^rring, & 4 neu^t.

[*13.]
Lieut. Eames
again.

*4. Wee finde y^t x x reported y^e advice & direction of y^e magis^{ts} to many of y^e company, in a private house, before y^e trayning day, he delivered it sometimes contrary to truth, & sometimes in doubtfull termes, though in y^e hearing of some few he explyned himselfe; but both he & others carryed y^e matter in such a manner y^t most of y^e company refused to followe Lef^t Eames; y^e said Joshua Hubbard carryed away y^e collo^s, & put Mr Allen to vote for their cap^t, who trayned a great p^{te} of y^e company y^t day, & some dayes afterwards, wholly reiecting Lef^t Eames, who informed y^e company y^t he was advised by authority to exercise y^e company; Joshua Hubbard told him openly it was falce.

The depu^{ts} concu^rre wth y^e magis^{ts} in their 4th affirmacōn.

5. Wee finde y^t Joshua Hubbard, Dan: Cushan, Tho: Hubbard, Edm: Hubbard, W^m Hersey, & Mr Allen were cheife acto^s & occa^sioners of this disorderly & mutinous carriage, though some more guilty thereof then others; also Edmond Gold spake words, wth reference to this case, iustly deserving censure.

Consented to by 18 depu^{ts}; dissented from by 15 depu^{ts}.

Comp^y refuse
to train under
L^t Eames.

6. Wee find y^t y^e major gennerall being informed of this diso^rde^{ly} & mutinous carriage, vnder y^e hands of 27 or 28 of Hingham, he sent Major Gibbons to Hingham, wth direction to require & command y^e office^s of y^e said company to keepe their antient places, as also y^e company to follow Lef^t Eames, & be trayned by him till y^e next Gennerall Cou^{te}, aco^ding to y^e former direction of y^e magis^{ts}, w^{ch} he, y^e said major, did deli^ur; first by way of request, then by co^mand, both in y^e major genne^ralls name & his owne, w^{ch} yett, no^twthstanding, they refused to obey.

Consented to by 18 depu^{ts}; dissented from by 14, as y^e form^r, by reason of y^e word mutinous therein inserted.

7. Wee finde Joshua Hubbard, Edmund Gold, Thomas Hubbard, & Ed-

mond Hubbard were sent for by warrant, & bound oûr by foure of y^e magis^{ts} to y^e next Q^{tr} Cou^rte, to answere for their aforesaid miscarriages.

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The Howse of Deput^s concurr wth o^r honno^red magis^{ts} herein.

8. Wee finde y^t Joshua Hubbard being called forth to cleare himself, in y^e church, of an accusa^çon for telling a lye, in y^t he said authority advised Left Eames to lay doune his place, John Towres wittnessd y^t authority did advise him so to doe, & also said one magis^{te} advised him so to doe.

J. Hubbard examined.

The Howse of Dep^{ts} concurr wth o^r honno^red magis^{ts} herein.

*9. Wee finde y^t Jox Faulsham testified in y^e church y^t y^e Goûn^r & Dep^t Goûn^r (y^t now are) said y^t y^{ey} gave y^e lef^t no order to exercise y^e company, nor had they power so to doe, (w^{ch} words y^e Goû^r & Depu^t deny to have so spoken,) & therefore sent for y^e said Foulshame to appeare before them, to answer for y^e same, who, coming to y^e Dep^{ts}, was required by him to put in band, to answer it at y^e next Q^{tr} Courte; who, refusing so to doe, was then dismissed; but at a petty Cou^rte, being required againe to put in band, & still refusing y^e same, was by y^e Courte comitted to prison.

[*14.]

J. Hubbard examination & J. Foulshame.

The deput^s concurre wth o^r honno^red magis^{ts} herein.

10. Wee finde y^t y^e publick chardge & accusa^çon of John Foulshame & John Towres agst y^e Dep^t Goûn^r, y^e p^mises considered, are cawselesse & vniust; & y^t some things in y^e peti^çon & explana^çon of it are falce & scandalous, for w^{ch} all y^e peti^çoners ought to receave their dew censure.

To y^e chardge by John Foulshame, of y^e Dep^t Goûn^r, 14 deput^s assent y^t it is vniust, & 13 deput^s dissent; 6 standing neu^t.

To y^e chardge by John Towres, of y^e Dep^t Goûn^r, 17 deput^s vote y^e negative, y^t his chardge is not vniust, & 14 affirme, & 2 stand neu^t.

To y^e 3d clawse, whether something in y^e peti^çon & explana^çon are falce & scandalous, 16 deput^s concurr wth y^e magis^{ts}, 12 dep^{ts} dissent, & 4 stand neu^t.

To y^e last clawse, for w^{ch} all y^e peti^çone^{rs} ought to receave their dew censure, 18 deput^s discent therefrom, & 12 assent.

The some of y^e case in breife to be this:—

By y^e magis^{ts}.

1. That Anthony Eames was y^e lawfull & settled lef^t or cheife officer of y^e military company of Hingham.

Articles on Lieut. Eames.

2. That y^e greatest p^{te} of y^e company did mutinously & disorderly refuse to be trayned or comanded by him.

3. That herevpon some of them were justly bound oû to y^e Q^{tr} Cou^rte, to answer for their misdemenors; & others for their misrepo^rts, & countenancing of y^e cheife acto^rs herein, were required to doe y^e like, who, refusing, were by y^e Cou^rte comitted to prison.

1645.

16 June.

4. That y^e pmisses being dewly & rightly considered, wee conceive y^e petiçōn is cawselesse & iniurious, not only ag^{nt} the Dep^t Goūn^rs, but also ag^{nt} other of y^e magis^{ts}, whom y^e chardges therein containyd (& not pved) must necessarily reflect.

5. Yett, lastly, wee desire, as much as may be, moderaçōn be shewed in y^e censure of y^e delinquen^{ts}, as y^e case & nature of y^e offences, allowing them their iust pleas, (& allegaçōns,) will beare.

The magis^{ts} have voted hereto, & desire y^e depu^{ts} to retou^rne their assent to this case, y^t y^{ey} may pceed to consider of dew censur^{es} ag^{nt} such as have offended, seūally & respectively.

[*15.] * The collections of y^e Howse of Depu^{ts} (after y^e Magis^{ts}) frō y^e retou^rne of y^e coūmittee, concerning Hinghm case.

Hingham.

1. Wee finde y^t Lef^t Eames did lay doune his place as y^e cheife officer of Hinghm company; & y^t he did say he would neū^r lead y^e company into y^e feild againe, or to y^t purpose.

2. Wee finde y^t M^r Bellinghm did legally give advice to Lef^t Eames, viz.: y^t y^e said Lef^t Eames should goe home, & goe into y^e feild, & honno^rbly lay doune his place. Cap^t Rob^t Kcayne contray dicens.

3. Wee finde y^t it was not in y^e power of y^e counsell & major by lawe to confirme an officer in y^e sitting of y^e last Gennerall Courte.

4. Wee finde y^t Lef^t Eames, not shewing his order, (being required,) was some cawse of this disturbance.

5. Wee finde y^t Joshua Hubbard did evill in telling y^e company of Hingham y^t Thomas Mino^r was cast out of y^e Cou^rte, w^{ch} in pbability did weaken his testimony, & might be some occaçōn of this disturbance.

6. Wee finde y^t y^e Dep^t Goūn^r did offend in saying y^t it was contrary to y^e lawe of God & man to knowe their accusers before y^e time of tryall.

The answer of y^e Magis^{ts} to y^e collections of y^e Depu^{ts}.

1. If y^e meaning of these words in y^e first collection (did lay doune his place) be meant orderly & legally, as lef^t, wee assent; but if it be meant willingly, so much as lay in him, wth some other cawtion, wee dissent. Y^e latter p^{te}, y^t he would neū^r leade y^e company into y^e feild, or words to y^t purpose, wee finde not sufficiently pved, being but one witnes, & he a p^{tye}, viz., Foulshame.

2. To y^e 2^d, wee answer, y^t w^t advise M^r Bellingham gave, acording to his aphençōn, while y^e matter was in agitaçōn, was not illegall; but how legall or convenient it was to crosse y^e advise of y^e magis^{ts}, & his owne also, or

whether it were so or no, wee rather leave, y^t have heard it, to consider of, then positively to determine it, not being, as wee conceive, pertinent to y^e case as it concernes M^r Bellingh.

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16 June.

3. To y^e third, wee answer, y^t wee formerly sent vnto yow 2 lawes, (viz.:) in 1636, 7 moth; y^e other in 1636, 10 moth, whereby power was given to y^e counsell to confirme millitary officers in their places wthout restraining them from so doing at any time or in any place. If any lawe or order cann be shewed to take this power from them, wee desire it may be p^{ro}duced, & wee shall rest satisfied. But if there be none, (as wee beleewe there is not, because wee have searched & cann finde none,) wee then desire y^t yow would be satisfied.

*4. Wee answer, y^t y^e irregular requiring of Lef^t Eames to shew his order, by a private souldier only, wth y^e l^{ef}t's neglect so to doe, might possibly occasion some disturbance, & yet y^e l^{ef}t blamelesse.

[*16.]

5. To y^e fifth wee assent.

6. To y^e sixth wee answer, if y^e words (did offend) be meante criminally, wee dissent; but if y^e meaning be, he did erre & speake amisse in so saying, wee assent, but conceive he gave full satisfac^{ti}on when publiqly he confessed, y^t if he so said, it was a mistake, he owned it not being contrary to his iudgment.

The Magis^{ts} desire this their answe^r to y^e Deput^{es} collections may satisfye them.

28 June, 1645.

The Howse of Dep^{ts} did voluntarily enter into an oath of God, verbatim to y^e oath in y^e Courte reco^rds, to deale vprightly in Hingham case, except Capt Keayne, Lef^t Atherton, John Johnson, Tho: Lyne, & W^m Parkes, who did take their oathes in y^e case before y^e magis^{ts}.

28 June.

Witnes, Increase Nowell, Sec^t.

The Magis^{ts} have by their votes fined y^e p^{er}sons after named, at such so^mes as hereafter are expressed, having binn as moderate, & gonne as lowe as they any wayes could, wth y^e holding vpp of authoritye in any measure, & y^e maintenance of justice, desiring y^e concurrence of y^e Dep^{ts} herein, y^t at length an end may be putt to this long & tedious buisnes.

Joshua Hubbard is fined	20 ^l 00 ^s 00 ^d
Edmond Hubbard,	05 00 00
Thomas Hubbard,	02 00 00
Edmond Gold,	01 00 00
John Faulshame,	20 00 00

First.
Persons fined
in Hingham
Company.

1645.	John Towers,	05 00 00
28 June.	Daniell Cushin,	02 10 00
	W ^m Hersey,	10 00 00
	Mr Bozon Allen,	10 00 00
	Mr Peter Hubbard, y ^t first subscribed y ^e petiçōn,	02 00 00
	All y ^e rest of y ^e petiçōn ^r s, being 81, out of w ^{ch} nom ^b are excepted three, viz., Mr Peter Hubbard, John Foulshame, & John Towres, y ^e rest making 78, are fined 20 ^s a peece, y ^e some of w ^{ch} is . . . . .		155^{t} 10^{s}

Wee have also voted, y^t according to y^e order of y^e Genne^rall Courte, for so long time as there cawse hath binn in handling, y^e petiçon^rs shall beare y^e chardge of y^e Gennerall Courte; y^e some of w^{ch} costs is to be cast vp & agreed by y^e Courte when y^e cawse is finished.

[*17.] * The Howse of Depu^{ts} having issued y^e Hingham buisnes before y^e judg^{mt} of o^r honno^red magis^{ts} (vpon y^e case) came downe, they have herevnder exp^{ss}ed their determinate censures vpon such as they finde delinquents in y^e case, (viz.):

First.	Joshua Hubbard is fined	20 ^t 00 ^s 00 ^d
Persons fined.	Anthony Eames,	05 00 00
	Thomas Hubbard,	04 00 00
	Edmond Hubbard,	10 00 00
	Daniell Cushan,	04 00 00
	W ^m Hersey,	04 00 00
	M ^r Allen, besides his pporçon w th y ^e trayne band,	01 00 00
	Edmond Gold,	02 00 00
		50 ^t

The rest of y^e traine band of Hingham, y^t have an æquall vote allowed them by lawe for y^e choyce of their millitary offic^{rs}, are fined 55^t, to be paid by æquall pporçon; y^e w^{ch} said somes of 50^t & 55^t are layde vpon y^e said delinquents for y^e satisfying of y^e chardge of y^e Courte, occaçoned by y^e hearing of y^e cawse, in case y^e said chardge shall arise to y^e some of 105^t 00^s 00^d.

The Dep^{ts} desire y^e consent of y^e Magis^{ts} herein.

Debate on the
Hingham train
band.
The Magis^{ts} cannot, wthout violaçon of their consciences, agree to y^e fine of Lef^t Eames, but are willing he should be admonished for his faylings, & bare his chardges in this buisnes; & though wee conceave y^e sefall delinquents doe deserve y^e sefall fines wee p^pounded, yett now a kind of necessity lyes vpon us to yeeld to w^t wee cannot helpe. If, therefore, y^e Dep^t Goûn^r may be pⁿounced innocent in w^t hath binn chardged vpon him, & y^e

petiçone's enioyned to make publicq acknowledgm^{nts} for y^e iniury donne him, wee shallbe content to yeeld to y^e.Depu^{ts} in y^e rest ; though wee conceive farr greater satisfacçõn to be dew. If this may not be obtayned, w^{ch} only love & peace, together wth y^e welfare of this collony, forceth vs to yeeld vnto, wee then desire some indifferent arbitrato's may be nominated, to whome y^e cawse, for finall determinaçõn, may be deferred.

1645.

28 June.

The Dep^{ts} conceive y^t all y^e offendo's are in duty bound to acknowledge their offences so farre forth as in their oune consciences they shallbe convinced ; but wee judge they are not to be forced to y^e same, being otherwise punished. Wee cannot make a declaration of y^e Dep^{ts} innocency, because wee know no rule of God nor any p'sident in any of our oune Cou^{ts} *for y^e same ; neither canne wee abate Lef^t Eames fine for y^e reasons w^{ch} wee have sent, & others w^{ch}, for brevity, wee omit ; & if our honno^{ed} magis^{ts} be not satisfied herewth, wee desire y^t y^{ey} would be pleased to choose their arbitrato's, & lett vs vnderstand their names, y^t wee may choose some to joyne wth them, or if they please, y^e Depu^{ts} are content to put a finall determinaçõn to it by a lott.

Courts further
opinion.

[*18.]

1 July, 1645.

The Howse of Depu^{ts}, after conference by both howses, being more then willing to condescend to their judgm^{nts}, so farr as their owne judgm^{ts} & consciences will give leave, y^e rather y^t love, peace, & accorde may raigne in o^r clymate, w^{ch} God hath genne^{rally} taken from all y^e earth ; they therefore desire y^t o^r honno^{ed} magis^{ts} would be pleased to honno^r them so farre as to give them a favorable meeting, & concurrence in their second votes vpon their second consideraçõn, herevnder written : —

1 July.

Wee fine Lef ^t Eames,	. . . . .	05 ^z 00 00
Joshua Hubbard,	. . . . .	20 00 00
Edmond Hubbard,	. . . . .	05 00 00
Thomas Hubbard,	. . . . .	02 00 00
Edmond Gold,	. . . . .	01 00 00
John Foulesham,	. . . . .	05 00 00
Daniell Cushan,	. . . . .	02 10 00
W ^m Hersey,	. . . . .	04 00 00
M ^r Allen,	. . . . .	05 00 00
M ^r Peeter Hubbard,	. . . . .	02 00 00

Y^e negative vote infores Lef^t Eames fine to be 51 10 00
deducted.

So then the some is as in y^e marg^{nt}.

46^z 10^s 00^d

1645.

1 July.
John Tower
censured.

John Towres censure for his delinquency is, y^t he should bare his imprisonment, p^{ro}vided he bare no other censure, either as peti^{ti}ōner or otherwise.

The Howse of Depu^{ts} doe agree y^t 53^d 10^s should be layd vpon all y^e peti^{ti}ōners by an æquall rate, by y^e pole, towards y^e payment of y^e chardge of y^e Courte vpon y^e case, excepting John Towres & y^e rest of those delinquent^s, y^t are fined as is above men^{ti}ōned, and y^t y^e said sc^hall fines & somes be paid by & received of y^e delinquent^s wthin 3 months.

The Magis^{ts} agree to these fines above men^{ti}ōned, all but for Lef^t Eames, whom wee judge to beare his oune chardge, & have an admoni^{ti}ōn for laying downe his place wthout consent of authority, & other failings.

[*19.]

*The Depu^{ts} doe concu^{re} wth o^r honno^{red} Magis^{ts} last retou^{rne} conceⁿning Lef^t Eames, rather then nothing to be imposed vpon him.

J. Winthrop
acquitted.
Agreed to by
both howses.

The Gennerall Cou^{te} having very largely heard & debated a complainte brought ag^{nst} John Winthrop, Esq^{re}, Dep^t Go^urn^r, by certaine p^{er}sons of Hingham, doe judge y^t y^e Depu^t Go^urn^r is legally acquitted of those things y^t have binn complayned of, or layd to his chardge, & have therefore, & for their other offences, punished y^e said complaynants by seuerall ffynes, to be payd to the countrye, to y^e somme of fforty sixe pounds tenne shillings; & for chardges of y^e Gennerall Cou^{te}, ffifty thre^e pounds tenne shillings; whereof for y^e Dep^{ty} Go^urn^r his clearing we desire y^e country will hereby take notice.

Commiss^{er} ap-
pointed.
By both
howses.

John Winthrop, Sen^r, Esq^{re}, & Herbert Pellam, Esq^{re}, are chosen & appointed by this Cou^{te} co^mmissioners for this collony, to meete wth y^e co^mmissioners of y^e Vnited Collonyes, in their next meeting, at Newhaven; & in case either of theis shall be hindered by any p^{ro}vidence, y^t then Cap^t Cooke shall supplye such defect. & if it shall happen y^t there shall fall out any further defect, by any p^{ro}vidence, y^t then M^r Hawthorne shall supply such further defect y^t shall so happen.

Persons to
draw up laws
in the several
counties.

Itt is ordered, y^t seuerall p^{er}sons out of each county shall be chosen to drawe vp a body of lawes, & p^{re}sent them to y^e considera^{ti}ōn of y^e Genne^{ra}ll Cou^{te}, at their next sitting.

For y^e county of Suffolke, o^r honno^{red} Go^urn^r, M^r Hibbens, M^r Cotton, M^r Mather, Lef^t Duncombe, & M^r Prichard are chosen a co^mmittee to meete, conferre together, & drawe vp a body of lawes, & p^{re}sent them to y^e next sessions of this Courte.

For y^e county of Midlesex. He^{re}be^t Pelham, Esq^{re}, M^r Nowel, M^r Tho^{mas} Shepheard, M^r Allen, Cap^t Cooke, & Lef^t Johnson are chosen a co^mmittee to meete, conferr together, & drawe vp a body of lawes, & p^{re}sent them to y^e next sessions of this Courte.

For y^e county of Essex, Rich^{ard} Bellingham, Esq^{re}, M^r Bradstreete, M^r

Nath: Rogers, Mr Norton, Mr Warde, & Mr Hawthorne are chosen a committee to meete, conferr together, & drawe vp a body of lawes, & p̄sent them to y^e next sessions of this Courte.

1645.

1 July.

*John Whittingham, gent., being p̄sented to this Courte by y^e constable of Ipswich, in y^e name of y^e millitary company there, as their lef^t, by them chosen according to order of Courte, & S^rgn^t Howlett in like manner for their ensigne, they were both accepted of & confirmed in their places by this Courte.

[*20.]

J. Whitman
lieut.
By both
howses.

In answ^r to y^e wyddowe Phillips peti^con, itt is ordered, y^t if y^e peti^coner, wth the guardians of y^e children, wth their consent, cannot agree to sequester such lands & goods as may secure wyddowe Howe, y^t then y^e judgm^t given to y^e wyddowe Howe shall be satisfi^d according to lawe in y^t case p^rvided.

Widow Phil-
lips petition.
By both
howses.

Edward Hutchinson, being p̄sented by y^e Deput^s of Boston to this Courte as ensigne of y^e millitary company there, was accepted of & confirmed in y^t office by this Courte.

E. Hutchinson
ensign.
By both
howses.

Left To^ry is appointed to take care of y^e company of Hingham; to trayne & exercise y^e trayne band there, till y^e Cou^rte take further order herein.

By both
howses.

Itt is ordered, y^t y^e order about saltpecter howses in each toune be p̄s-
ecuted & quickned; y^t Edmond Gardiner be allowed forty shillings for his
paynes, by such as are delinquent^s concerning y^t order in y^e toune of Ipswich.

Order on salt-
petre houses.
By both
howses.

The Howse of Deput^s canno^t consent wth o^r honno^red Magis^{ts} in y^e adiourne-
ment of y^e Courte till y^e 2^d day next come sevensnight, according to their bill.

Deputies dis-
sent to ad-
journment.

In answ^r to y^e peti^con of W^m Ting, Griffith Bowen, W^m Toy, cum alijs, y^e peti^cone^rs request is graunted, p^rvided y^t y^e p^rp^rietors be satisfi^d by them for what damage may come to them by such a way; & Mr Glouer, Left Atherton, Edmond Goffe, & Edward Oakes are appointed a committee to lay out y^e way & judge of y^e satisfac^con y^ey shall give to y^e p^rp^rieto^rs.

By both
howses.

Itt is ordered, y^t o^r comission^{rs} for y^e Vnited Collonyes shall continew till y^e next Cou^rte of Elec^con, & till new be chosen.

Itt is ordered, y^t a levye of 616^t & 15^s shall issue out from this Cou^rte, to be raised on e^ury toune, according to y^e se^ull propo^cions y^t shall be deter-
mined by y^e committee who are sett aparte for y^t worke, they being one dep^{ty} of
a toune.

By both
howses.

Itt is ordered, y^t y^e one halfe of each.tounes rate shall be paid into y^e treas-
ury wthin 3 months, & y^e other halfe by y^e end of y^e 1th month next; & y^t
each toune may pay y^e rate in catle, coⁿe, bevo^r, or mony, as they please, so
as, in their first p^rpor^cions, they observe y^e order for y^e defraying y^e expences
of this Cou^rte.

A rate to be
levied.

*Itt is ordered, y^t such catle as any toune shall p^rffer for satisfac^con for any
p^rte of their rate to y^e Treasu^rer shallbe ap^rized by two indifferent men, æqual-

[*21.]

1645.
1 July.
Cattle in pay-
ment of notes
to be praised.

ly chosen by y^e Treasu^re^r & by y^e toune ; & in case they agree not, an vmpire to be aequally chosen by them ; & y^e p^rizes of y^e se^ruall graine y^e Treasu^re^r is to accep^t from each toune are : —

For wheate & } 4^s
barly, at }
ffor pease } 3^s 6^d
& rye, at }

for Indian } 2^s 8^d
co^rne, }

The ppor^cions of each tounes rate agreed vpon by y^e co^mitte^e is as fol-
loweth.

Hingham,	15 ^l 00 00	Charles Toune, . . .	55 ^l 00 ^s 00 ^d
Weimouth,	10 10 00	Salem,	45 00 00
Braintree,	10 10 00	Lynne,	25 00 00
Dorchester,	43 17 06	Ipswich,	61 10 00
Roxbury,	37 10 00	Newberry,	23 00 00
Boston,	100 00 00	Rowley,	15 00 00
Dedham,	20 00 00	Salisbury,	10 00 00
Concord,	15 00 00	Hampton,	10 00 00
Water Toune,	41 05 00	Meadfoard,	07 00 00
Cambridge,	45 00 00	Wennam,	03 10 00
Sudbury,	11 05 00	Glocester,	04 17 00
Woobourne,	07 00 00		
Soma totalis,			616 ^l 14 ^s 06 ^d

18 June.

18 June.
E. Rawson
clerk chosen.

Edward Rawson is chosen & appointed cla^rke to the Howse of Deput^s for one whole yeere, to enter all votes past in both howses, & those also y^t passe only by them, into their booke of reco^rds.

Salem to pro-
cure drum-
mers.
By both
howses.

Whereas this Cou^rte is informed y^t there is no drumme wthin y^e towne of Salem, whereby y^e inhabitants thereof have no meanes of giving warninge one to another, or to other tounes, or farmes, by an alarum, vpon the approach of an enemy, the defect whercof may indanger y^e lives & estates of such as dwell there, as alsoe be very p^riudiciall to y^e whole co^mon wealth, — this Cou^rte therefore, taking y^e p^rmisses into considera^con, doth hereby o^rder, y^t y^e said toune of Salem shall p^rvide two good drummes, to be alwayes ready vpon occa^con, for y^e toune & band ; to be p^reured wthin 3 weekes, on y^e penalty of 5^l.

In y^e case about y^e prisoner, y^e Howse of Deput^s conceave y^t there is not time to heare y^e cawse & determine it, & therefore desire it may be referred

to y^e next sitting of y^e Cou^rte, & in y^e meane time he may be sett a worke to earne his livinge.

1645.

18 June.

[*22.]

Capt^r Rich^d
Davenport to
build huts for
the garrison.

By both
howses.

*This Cou^rte, considering y^e continuall dainger^s y^e places w^{ch} are most free from feare of warre are in, not being willing to be wanting to our oune peace & safety by y^e neglect & not imp^{ro}ving such meanes as God affoards vs & putts into o^r hands, doe o^rder & appointe Cap^t Richard Davenpo^rte, by all y^e meanes y^e Courte allowes him, & y^e five next townes, for y^e keeping of a garrison, hath or shall affoarde him, doe his vtmost endevo^r to have y^e seuerall hutts for y^e garrison finished wth all speede possible, and also remoove y^e old howse, & erectinge it into one or two howses fitt for such purposes, & in such place as y^e co^mmittee of y^e above men^coned townes wth himself shall thinke most meete to answer y^e expecta^con of y^e country; & y^t, assoone as y^e said Cap^t Davenpo^rte shall in any fitt measure have finished y^e hutts, give notice thereof to y^e seuerall constables of y^e five next townes, y^t they may send to him their appointed garrison, as by order & warrant from this Court they are enioyned to doe, for y^e acomplishment whereof this Cou^rte orders y^t Boston, Roxbury, Charles Toune, Cambridge, & Dorchester doe forthwith, at or before y^e 1th of August next, pay, or cawse to be paid, to y^e said Rich^d Davenpo^rte y^e some of fiftty pounds in wheate or other suffieyent pay as y^e Cou^rte orders y^e next levye to be paid in, & at y^e prize, viz, Boston fowerteene pounds, each other of y^e fower named townes nyne pounds, w^{ch} shallbe abated them ou^t of their next country levye.

Itt is o^rdered, by y^e authority of y^e Courte, y^t all shippes y^t come for trading only from other p^{tes} shall have free accesse into o^r harbo^rs, & quiett ridinge there, & free leave to de^pte wthout any molesta^con by vs, they paying all such duties & chardges as others doe, required by lawe in y^e countrye.

Vessels to en-
ter & depart
the harbour.

By both
howses.

Itt is o^rdered, y^t these seven Frenchmen, viz, La Fortune, Columby, Saint Awbin, La Viollette, La Rosse, La Garenne, & Laviolette Swysse shall be allowed seven pounds in p^{ro}vi^con on y^e countryes chardge.

Frenchmen to
have provis-
ions.

By both
howses.

Itt is o^rdered, y^t y^e Treasure^r shall pay Goodwife Hackbou^rne, for hir paynes shee hath taken this & y^e last Cou^rte, twenty shillings.

By both
howses.

Itt is o^rdered, y^t Braintree shall be abated ou^t of their next levy, for their Deput^s lodgeinge, tenne shillings & 8^d.

*Itt is o^rdered, y^t lette^s shall be forthwth writte & sent to y^e co^missione^rs of y^e Vnited Collonyes to desire their speedy meeting here at Boston, to con-ferre of such weighty matters as are thought meete by this Cou^rte to be p^{re}sented to them, whereby their determinac^on thereabouts may be p^{re}sented to this Cou^rte.

[*23.]

By both
howses.
Commissioners
summoned.

Contra dicentes: Rob^t Bridges, W^m Hautho^rne, Nath^a Sparowhauke, Boz^o Allen, & Joshua Hubbard.

1645.

18 June.

By both
howses.
Mr Coggan let-
ter.

Henery Rust is appointed in Mr Peckes roome to recorde marriages, births, & burials for y^e towne of Hingham.

In answ^r to a copy of a letter directed to y^e Assembly of Virginia in y^e behalfe of Mr Coggan, the Deput^s are willing y^t when y^e counsell of y^e com- onwealth shall have taken an accōpt of y^e comittec about Mr Eaton's estate, y^t then they take care for y^e sending of a letter accordingly.

Ralph Hei-
wood petition.
By both
howses.

In answ^r to y^e petiōn of Ralfe Heiwoode, of Salem, itt is agreed y^t Mr Hawthorne & Mr Bartholmew, ingaginge themselves to pay three pounds for y^e debt of y^e sayd Ralfe Heiwood vnto y^e Treasurer wthin fower months, y^e residew of y^e debt he owes y^e country for y^e transpo^rtaōn of a child being remitted.

Court trials.

Itt is o^rdered, y^t it shall not be in y^e power of any Cou^rte to trye any cawse y^e Gennerrall Courte hath tooke cognisance of, wthout some o^rder from y^e Gennerrall Cou^rte.

Drinking
healths re-
pent^s.

The lawe forbidding to drinke one to another is hereby repealed.

By both
howses.
By both
howses.
By both
howses.

Att y^e request of y^e inhabitants of Jeofferyes Creeke, this Courte doth graunt y^t y^e said Jeofferyes Creeke hencefo^rward shall be called Manchester.

Mr Broadstreete & Mr Symonds are appointed to keepe Cou^rts att Douer, & Cap^t Wyggyn, Mr W^m, & Mr Smith are appointed associatts to asist therein.

Ship Guilberts,
security given
for.

In answ^r to y^e petiōn of Rich: Russell, Treasurer, concerning y^e shipp Guilberts reprisall, there appearinge diuersitye of info^rmaōn thereabouts, (shee being absent,) wee not being to heare & determine y^e difference thereabouts, the Deput^s desire y^t y^e marchants w^{ch} tooke y^e said shipp in reprisall be speedily called & cawsed to give in sufficient securitye to be responsall therefore in case, &c, and y^t y^e said securitye be p^rsented to this howse before any further pceeding.

Salem courts
continued.

Itt is o^rdered, y^t y^e Cou^rts of Salem & Ipswich be kep^t by those magis^{ts} & other psons y^t kep^t y^e same y^e last yeere aco^rding to fo^rmer order, & till y^e Genn^rall Cou^rte in October next.

[*24.]

Surveyor gen-
eral to collect
debts.
Voted.

*Itt is o^rdered, y^t o^r s^rveio^r gennerall & W^m Parkes shall require y^e sixty three pounds eight shillings & nyne pence dew to y^e countrye from Mr Edward Ting, & vse all legall wayes & meanes for y^e speediest recouery thereof, & lay it ou^t & purchase powder wth it, & deliuer it for y^e countryes vse to y^e comittec appointed by this Cou^rte to secu^re y^e countryes store; & ffurther they shall take care for y^e calling for & secu^ring of y^e countryes debt in M^{rs} Stoughton's hand, when y^e shall have full info^rmaōn thereabout^s by y^e next shipp.

Tho^r Layghton
to draw wyne.

At y^e request of y^e towne of Lynne, liberty & licence is graunted by this Cou^rte to M^r Thomas Layghton to drawe wyne for y^e towne of Lynne.

Mr Thomas Layghton, Edward Burcham, & Thomas Puttman are appointed by this Cou^rte to end smale causes fo^r y^e towne of Lynne for y^e yeere ensewing.

1645.

18 June.

Edw^d Burcham
to end small
causes.H. Griffin clerk
of writs.

Hugh Griffyn is appointed clarke of y^e writts for y^e towne of Sudbury, in y^e roome of Walter Haymes.

Mr Woodman, Mr Jo: Lowle, & Rich Knight are appointed to end smale cawses for y^e towne of Newbery for y^e yeere ensewinge.

Mr John Russell is appointed clarke of y^e writts for y^e towne of Cambridge.

J. Russell clerk
of writs, Cam-
bridge.

Philemon Dalton, at y^e request of y^e towne of Hampton, is authorized & appointed by this Courte to marrye there such as are dewly published according to lawe.

Mr Rich Broune, Left Mason, & Ephraim Childe are appointed to end smale cawses for y^e towne of Water Towne for this yeere ensewinge.

R. Brown to
end small
causes in Wa-
tertown.

Hugh Caulking, Thomas Smith, & Obadiah Brewen are appointed to end smale cawses for y^e towne of Gloucester for this yeere ensewing.

Tho^s Smith,
small causes,
Gloucester.

Left Mason, W^m Heath, & W^m Parkes are chosen a comitte^e to consider of y^e order about burning of grounds, & what is to be rectified in it, & to present their thoughts thereabouts to this howse.

Committee on
burning
grounds.

The House of Deput^s doe concu^re wth o^r honno^red magis^{ts} y^t some publicke notice shall be given to y^e country of their liberty to joyne wth y^e vndertakers of y^e iron worke if they please.

Iron works.

*To y^e R^t Honno^rable y^e Lords & Comons of y^e High Cou^rte of Parliam^t in y^e kingdome of England.

[*25.]

Address to
Parliament

The humble peticoⁿ of y^e Massatusetts, in N: E:

Humbly sheweth, —

That, whereas a shipp of Bristoll, called y^e Mary, being peaceably trading in o^r harbo^r, was surprized by Cap^t Stagge wthout our licence or privy^{tye}, & whereas, being called to accom^pt for y^e same, he shewed vs a comission from y^e authority of this high Cou^rte to take any shipps belonging to Bristoll, &c, by oca^sion whereof, ou^t of y^e dew respect to y^s honno^rable Cou^rte, wee thought not fitt to contend wth him, but only pmitted him to carry away y^e said shippe. But so it is, y^t Mr Hugh Broune & Mr Philip Jackson, m^cchants of y^e same, being men, as wee are informed, well affected to y^e king & Parliamen^t, are hereby much weakned, & both themselves & di^{ff}ers others are also discouradged from sending any fu^rthe^r su^{pp}ly vnto vs, whereby wee are like to be much distressed for want of such necessary comodities as they were wont for many yeeres to send to vs: may it therefore please this high Cou^rte to

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take this cawse into serious consideraçon, & so to tender y^e great losse of y^e said marchants & y^e interruption of our trade by this meanes, as it may be declared by some acte of y^e same, y^t no such attempt may be made hereafter vpon any shipp in or harbo^{rs}, or of any of our confederation in N: E: & y^t such incouragement maybe given to y^e marchants of y^e citty of London or other places for supplying vs in dew time as to y^e wisdome of this high Courte shall seeme expedient.

E. Gibbons to
pay R. Salton-
stall £263 5.

Itt is ordered, y^t Maj^{or} Edward Gibbons, out of y^e p^{ro}ceed of y^e goods of y^e marchan^{ts} of y^e shipp Guilbert, shall pay to M^r Rob^t Saltonstall y^e some of 263^t 05^s, w^{ch} he hath paid y^e seamen of y^e said shipp Guilbert, for their wages, provided y^t M^r Vallentine Hill seale y^e 1000^t band for being responall for y^e rep^{ri}sall of y^e said shipp, in case, &c.

Impost not to
be paid in Con-
necticut River.

Itt is y^e minde of this house, y^t none of ou^{rs} should pay any impos^t to any of Coⁿecticutt jurisdic^{ti}on, wth rela^{ti}on to y^e passing thorough any p^{ar}te of Coⁿecticutt Riuer.

[*26.]

*An order about y^e choyce of s^{er}g^{nt} maj^{ors} & their chardge; the clarkes of bandes, wth their chardge & oath, & millita^{ry} watches.

Officers quali-
fied to give the
freemans oath
to soldiers.

Itt is thought convenient, in regard there is a vacancye of y^e office of s^{er}g^{nts} maj^{ors} of regiments at this time, y^t vpon y^e 16th day of y^e 5th moⁿth, 1645, being y^e 4th day of y^e weeke, the trayne souldiers of euery towne in each shiere wthin this pattent shall meete together & nominate such a man or men as they shall judge fitt for y^e office of a s^{er}g^{nt} maj^{or} of y^t regiment, & y^t not only freemen, but all y^t have taken y^e oath of fidellitye, or shall take it before y^e elec^{ti}on, may have libertye of their voates; and becawse many townes find it a great burthen to them, where they have no magst neare, to carry so many of their inhabitants so farre to take their oathes, itt is orde^{ed}, y^t power is hereby given to y^e cap^t, or, in defect thereof, to y^e next cheife officer of y^e company, in all tounes to administer y^e said oath of fidellity to such souldiers as are willing to take y^e same before they give in their votes; & such as doe take their oath to be ce^rtified to y^e next Cou^rte of y^t countye, w^{ch} votes of y^e whole company shallbe sealed vp & deliuered to one or both of y^e depu^{ts} of y^e said toune, or any other freeman y^t y^e toune shall appointe, & they to carry them to y^e shiere toune of each countye vpon y^e 23th of y^e 5th moⁿth, by tenne of y^e clocke in y^e forenoone, and there before one or two of y^e magis^{ts} of y^e said toune to open y^e p^{ro}xys with y^e said depu^{ts}; and he y^t shall have y^e greatest noumber of votes, being a freeman, to be p^{re}sented by one of y^e magis^{ts} of each shiere toune to y^e sa^{er}g^{nt} maj^{or} generall wthin one

weeke at y^e most after y^e elec^{ti}on, who shall install, confirme, & establish each s^rg^{nt} maj^{or} in his place for one yeere, & they to retayne their place & power till a new elec^{ti}on be made by o^rder of y^e Gennerall Cou^rte.

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And to avoyd y^e vacancye of a place so necessary, for time to comē, if any of y^e confirmed maj^{ors} should dye or remoove out of y^e cōuntrye, or shall either leave their places or be remooved out of them, y^e s^rg^{nt} maj^{or} gennerall for y^e time being shall, wthin one month at y^e farthest after such a change, send doune his warrants to each tōune *in the same shiere, to make choyce of one or more maj^{ors} aco^rding to y^e forme above men^{ti}oned; and that euery s^rg^{nt} maj^{or} hath not only liberty, but also is inioyned once euery yeere at least, & oftner vpon any needfull occa^{si}on or cōmand from y^e s^rg^{nt} maj^{or} gennerall, to drawe forth his regiment into one convenient place, & there to put euery capt & office^{rs} of y^e companyes in their places, & to instruct them in their dewtyes, aco^rding to y^e rules of millitary discipline, & to excersise his regiment, whether it shall consist of horse, pikes, or muskateers, aco^rding to his best skill & abillities, as if he were to leade them forth agst an enemye.

[*27.]

Soldiers to be learnt military art.

Further, y^t euery s^rg^{nt} maj^{or} not only hath power, but is inioyned by this Cou^rte, twice euery yeere to send forth his warrants or summons to require the cheife office^{rs} of each company in his regiment to meete at such time & place as he shall appointe, & there wth them to conferre & give in cōmand such o^rders as shall by them be judged meete for y^e better ordering & setling of y^e perticuler companyes in millitary excersises; and y^t theis office^{rs} of each p^{ar}ticuler companye shall bring wth them a note, from y^e rowles of their seuerall clarkes, of y^e names of such in their seuerall companyes as remayne delinquent^s & have not given satisfac^{ti}on before to y^e capt or cheife officer of their companyes for all defects, either in their armes, a^munition, appearances, watches, offences, or y^e like; & y^t y^e said maj^{ors}, wth y^e consent of those office^{rs} then mett together, shall inflicte such fines or penalties aco^rding to lawe vpon y^e delinquent as shallbe judged æquall, & to give order to y^e clarkes of y^e seuerall bands to take distresse for y^e same wthin one month after such order, if before they give not satisfac^{ti}on.

Fines to be collected.

And becawse wee observe many defects in making appearance in fitt armes for service & otherwise, wee o^rder y^t this Cou^rte should cawse to be in^{ter}ted into euery clarke's oath, —

First, y^t vpon euery trayning day, twice, oncē in y^e forenoone, as also in y^e afternoone, if y^e capt require it, at such time as y^e capt or cheife officer y^t is then in y^e feild shall appointe, y^e call or cawse to be called ouer y^e list of *y^e names of all y^e souldiers, & y^t he shall give his attendance in y^e feild all y^e day, except he haue speciall leave from his capt or cheife officer, for y^e taking

[*28.]

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Soldiers twice
a year to be re-
viewed.

notice of any defects, in y^e absence of souldiers, offences, &c, y^t doth often fall out in y^e times of exercise aswell as in y^e calling ouer y^e rowle; that twice euery yeere, at least, he shall vciue all y^e armes & amūnition of y^e band, to see if they be all acording to lawe, w^{ch} wee conceave will be best acomplished after this manner: y^t y^e clarke shall signify seasonably to y^e cap^t or cheife officer of y^e band, & they to giue notice to y^e souldiers, y^t vpon such a trayning day appointed, they be required to bring wth them in y^e forenoone all their armes & amūnition into y^e feild, y^t is required by lawe, where they shallbe approued or disallowed by y^e iudgement of y^e said cheife officer then in y^e feild, wth y^e clarke, w^{ch} have commonly more experience in y^e fitnes of armes then y^e clarke hath; & to see y^t euery souldier have one pound of powder, twenty bullets, & two fathome of match, wth muskett, sword, bandaleeres, & rest, vpon y^e penalty of tenne shillings for euery defect, & to levye five shillings forfeite vpon all souldiers y^t shall be absent from traynings, or defects in watches & wardings, except they be dischardged by y^e cheife officer of y^e company, & y^t y^e clarke, as often as he shall see occacōn or doubt, is hereby injoynd to vse all dilligence to veiw euery ones armes, whether he be compleately furnished wth armes & amūnition y^e lawe requires.

Penalty for ab-
sence.

Seamen as well
as others to be
provided with
arms, &c.

That all inhabitants, seamen aswell as others, are to have armes in their howses fitt for service, wth powder, bullets, match, as other souldiers; & y^t fishermen, shipp carpenters, & others not exempted by lawe, shall watch or pvide a sufficient man in their roome, & to traine twice a yeere acording to order.

That y^e military officer^s of each company shall appointe what euery souldier shall serve wth, so y^t there maybe two thirds musketts; & y^t those y^t serve wth pikes should have their co^slets & head peeces.

[*29.]

That y^e clarke shall, wthin one weeke after euery trayning day, truly p^sent a list of y^e names of all y^t are delinquents, * & of all y^e defects of y^e band, to y^e cap^t or cheife officer of y^e company, y^t he may have them all in a redines to carry wth him when y^e major of y^e regiment shall appointe his meeting, w^{ch} have not before given satisfaccōn at home acording to lawe; & y^e order y^t gives power to y^e magis^{ts} to release vpon non appearance is hereby repealed.

Clerk to collect
fines.

That y^e clarke shall wthout partiality demand & receave all fines, w^{ch} if any shall refuse to pay, he shall make distresse vpon the goods of all such p^sons as shall first by y^e cheife officer of their oune company at home, or by y^e major & cheife officers, mett together as before men^coned, be iudged delinquents; & y^t y^e clarke, wth y^e advice of y^e cheife officers of their oune company, shall speedily lay out all fines, receaved either in ensigne, drummes, hol-

berds, candle or wood, for their courte or guard, or to pvide powder or armes for y^e poorer sorte, or otherwise, for y^e best vse of y^e company. Lastly, if any clarke of a band being chosen, & accepts y^e place, & yett afterwards shall refuse to take his oath, shall pay forty shillings, & then y^e company shall choose another; and all y^t refuse y^e oath as before to pay forty shillings a peece till one doth hould, & he y^t doth accept y^e place shall have a fowerth pte of y^e fines for his labor; & y^e order y^t graunted them a third pte is hereby repealed.

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Mode of disposing of fines.

The forme of y^e clarkes oath.

Yow shall trewly sweare to pforme y^e office of a clarke of a trained band
to y^e vttermost of your ability or indevor, according to y^e p^ticuler^s specified in
this o^rde^r. So helpe yo^u God.

Clerks oath.

The oath of residents for fidellity to be first taken by all such as are not free-
men, & desire to have their votes in y^e choice of their millitary office^s.

I, A B, being by Gods pvidence an inhabitant wthin y^e jurisdicōn of
this comōweale, doe freely & sincerely acknowledge myself to be subiect to y^e
gouvern^{mt} thereof, & therefore doe heere sweare by y^e great & dreadfull name
of y^e euerlivinge God, y^t I will be trew & faithfull to y^e same, & will acord-
ingly yeeld asistance therevnto wth my pson & estate, as in æquity I am bounde;
& will also trewly endeavor to maintaine & pserve all y^e libertyes & priviledges
thereof, submitting myself to y^e wholesome lawes made & established by y^e
same; & further y^t I will not plott nor practize any evill ag^{nst} it, nor consent
to any y^t shall so doe, but will timely discouer y^e same to lawfull authority
now here established for y^e pventing thereof. So helpe me God in y^e Lord
Jesus Christ.

Residents
oath.

*For y^e chardge of y^e millitary watch in all townes.

[*30.]

1. Itt is o^rdered, y^t y^e watche shallbe sett, & have their chardge by y^e
direction of y^e cheife office^s of y^e place, halfe an hower after sonne setting.

Watchmen,
when sett.

2. The watch, being sett out, (w^{ch} wee thinke meete should stand dowble,
a pike & a muskett together,) shall examine all psons y^t they shall meete wthall
wthin y^e compasse of their watch or round, & all such as they shall suspect to
carry to y^e courte of garde till y^e morning, & before they be dismissed to
carry them to their cheife office^s to be examined.

Duty.

3. If y^e sentinell or watch shall meete wth such as shall pve to strong for
them, or by their carriage shall give iust cawse of suspition, or will not sub-
mitt to their comānd, or if they shall either drawe vpon them or offer any
such affronts in words or acōns as shall put them in feare or in hazard of

To resist with
violence, if ne-
cessary.

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their lives, they shall chardge their pike & dischardge their muskett vpon them, & retourne wth speede to y^e courte of garde, & raise an alarum; provided alwayes, y^t in times of peace, when the counsell of warre or y^e cheife millitary office's of any company shall not ap^rhend dainger by y^e nearenes of an enemy, it shall not be in y^e liberty of any sentinell to hazard y^e killing of any pson or psons, except in his owne necessary defence; but if y^e case require it, he shall raise an alarum, & retire to y^e cou^rte of garde.

Marshall to
collect tun-
nage.

Itt is ordered, y^t y^e marshall shall demand & take of all m^rs or marchants y^e tunnage or anco^rage apointed & ordered by this Cour^te, to be paid from all shippes by y^e m^rs or ma^rchants thereof, w^{ch} is sixpence p tunne; & of these two shippes now heere at an anco^r, & of all other y^t shall come in heereafter according to forme^r o^rder, giving an accom^t of what he shall receive to y^e co^mitte^e of y^e five tounes for y^e Castle.

Watertown,
petition of H.
Mason.

In ans^r to y^e peti^cion of Le^f Hugh Mason, in y^e behalfe of y^e toune of Water Toune, itt is graunted y^t y^e vote of y^e last Gennerall Cour^te shall be reveiwd; provided, y^e peticon^rs defray y^e chardges of y^e former Cour^te, & also engage themselves to beare all chardges of any after trialls in this case, & y^t y^ey doe p^rduce such evidence as hath not binn forme^rly men^cioned in this Cour^te.

[*31.]

Public houses
to be granted
by the Court.

*Itt is ordered y^t no man shallbe allowed to keepe publicke howse of entertainment for straingers or travellers, nor shall any one be a co^mon victualler, innkeeper or keeper of a cookes shopp, vintner, tavernor, or publicke seller of wyne, ale, beere, strong water, wthout allowance in some Qua^rter Cou^rte in y^e shiere where such doe dwell, vpon paine of forfeite of twenty shillings p weeke whiles they continew wthout y^e said licence; nor shall any such psons as have publicke howses of entertainment, & have licence to sell beere for not above two pence an ale quarte at home & y^e same prize abroad, vnder y^e penalty of five shillings for eu^ey quarte sold above y^e said prize; ncither shall any such pson or psons formerly named suffer any to be druncke or drinke excessively, or continew tipling above y^e space of halfe an hower, in any of their said howses, vnder y^e penalty of five shillings for eu^ey such offence suffered; & eu^ey pson found druncke in y^e said howses, or elswhere, shall forfeite tenne shillings, & for eu^ey excessive drincking he shall forfeite three shillings & fower pence; ffor sitting idle & continewing drincking above halfe an hower, two shillings sixepence: & it is declared to be excessive drincking of wyne, when above halfe apinte of wyne is allowed at one time for one pson to drinke; pvided, itt shall be lawfull for any strainger or lodge^r, or any pson or psons in an orderly way, to continew in such howses of co^mon entertainment during meale times, or vpon lawfull buisnes, what time

Price of beer
fixed.

Penalty for
drunkenness.

their occasions shall require. Itt is further ordered, y^t eūy innkeeper shall pvide for entertainment of strainge's horses, having an inclosure for summer, & hay & pvender for winter. And if any pson offend in drunkenesse, excessive or long drincking, y^e second time, they shall pay double fines; & if they fall into y^e same offence the third time, they shall pay treble fines; & if y^e ptyes be not able to pay y^e fines, then he y^t is found druncke shallbe punished by tenne stripes; & he y^t offends in excessive & long drincking, he shallbe put into y^e stockes for three howers, when y^e weather is seasonable; and if they offend the fowe'th time, they shallbe put into p'ison, & there remayne till they putt in two sufficient suertyes for their good behaviou^r. Further, it is ordered, y^t any one magis^{ts} wthin their seuerall shieres may heare & determine any offence or offences ag^{nt} this order, vpon dew conviccion by veiwe of y^e magis^{ts}, by two wittnesses, or confession of y^e ptyes, to levy y^e said seuerall fines by a warrant to y^e constable for y^t end, who shallbe accomptable to y^e Treasurer of y^e shiere for y^e same.

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*Whereas it is found by to comon & sad experience in all ptes of y^e colony, y^t y^e forcing of laborers & other workemen to take wyne in pay for their labo^rs is a great nursery & pparative to drunkenesse & vnlawfull tipling, occasioning y^e private meetings of pphane psons, whereby youth is drawn aside to lewdnes, y^e good creatures of God notoriously abused, y^e harts of Gods people much sadned, y^e profession of religion scandalized, & y^e word greatly dishono^red, itt is thefore ordered & ordayned by this Courte y^t no laborer or workeman whatsoever shall, after y^e publica^{ti}on & promulga^{ti}on hereof, be enforced or pressed to take wyne in pay for his labo^r. And for further pven- tion of y^e aforesaid eno^mities & vnlawfull tiplings & excesse of drincking, itt is hereby further ordayned, y^t no laborer or workeman w^{ts}oeuer, after y^e tenth day of July-next ensewing, vnder what ptence soeuer, shall sell wyne, or make payments of any debt therewth, either by retaile or otherwise, then in y^e same peece he takes y^e same. And if any such pson or psons shall, notwthstanding, offend contrary to this order, shall forfeite & loose two shillings for euery quarte of wyne so sould & disposed of.

[*32.]

Labourers not
to be paid their
wages in wine.

Itt is ordered, y^t ce'taine comissione^rs shall be appointed by this Courte, & comission graunted them to examine wittnesses about the French buisnes, & prepare y^e same ag^{nt} y^e next session of this Courte.

Committee on
French busi-
ness.

Or honno^red Goūno^r, & Lef^t Atherton, He^rbert Pelham, Esq^r, & Cap^t Cooke, M^r Saltonstall, & M^r Hauthorne are chosen & appointed comissione^rs, & have hereby pow^r to su^mon wittnesses in their seuerall shieres, & a^pt to examine them & search out the truth of y^e French buisnes, as they shall see cawse, & make their reports to y^e next session of this Courte.

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18 June.
Secretary to
write to Narra-
ganset.

[* 33.]
Major Gibbins,
orders to.

Itt is ordered, y^t y^e Secr^t write a letter to the Narragansetts to desist from warre on Vncus; and that another letter be writte to Benedict Arnold, to delive^r the messuage to the sacamore of the intrude^rs on y^e land of Pomham & Sacoronoco, to come to vs or de^pte from their lands.

*Whereas yow, S^rg^{nt} Major Edward Gibbons, are cheife millitary office^r of the trayne bond of the toune of Boston, yow are by this Courte required & authorized to see the peace to be kept, both in the said toune & ha^rbor, from all hostile & mutinous attempts or insurrections; & for that end there is hereby co^mmitted to yo^r chardge all fortiffica^ons wthin the said toune, & wthall y^e ordinanc & a^munition to the same belonging; & yow shall alwayes have in a readines one barrell of powder for euery sixe peeces of ordinance, wth 12 shott & 5^t of match. If any shipp^s wthin yo^r ha^rbor shall quarrell, & shoote one at another, whereby the people or howses may be endangered, yow shall vse your endevor & power to stay & suppress such attempts, & to bring such shipp or shipp^s vnder co^mmand, & to be in peace vntill the Magis^{ts} may assemble, whose further order & directions yow are to observe; & yow shall take order to have alwayes some souldie^rs listed, to be in a readines for any service yow shall have occa^on to imploy them in, by virtue of yo^r co^mission: & yow are to give notice of the tenure of this co^mission to all shipp^s ariving in the harbo^r from fo^raine p^tes, wthin 24 howers after their coming to anchor. Vpon any neces^sary occa^on of yo^r absence, yow shall leave yo^r leif^t, or next cheife office^r, to take care of yo^r chardge. This co^mission to continew during the pleasure of the Cou^rte.

The like co^mission is graunted to Major Ro^bt Seduicke in Charles Toune.

Mr Dunster,
farm laid out.

Wee, whose names are herevnde^r written, having layd out Mr Dunste^rs farme as followeth, viz., the land lying betweene the ponds contiguous to M^{rs} Glovers farme, being the southe^rn bounds of this farme, & running on wth the great pond, from the south esterne bounds vnto the place where it is foardeable; Sudbury line for the northwestern bounds, & for the no^rth & no^rth esterne bounds the meadowes, to the quantity of fifty sixe ac^rs, (if there be so much,) abutting on whether side soe^ul a litle creeke y^t runneth into the great pond neare to the foresaid foard, & a streight lyne draune from the said creeke to Sudbury line, where it is nerest.

PETER NOYSE &
EDMOND RYSE.

Mr Glovers
farm laid out.

Wee, whose names are vnde^rwritten, have laid out M^{rs} Glove^rs farme as followeth, viz.: Sudbury lyne is the northeast bounds; y^e no^rthwest bounds

thereof is y^e great river, the south east bounds the river that issueth out of the great pond at Chochichowicke, the south east bounds from the place where the litle rive^r runs out of the great pond, till yow come to y^e northeast end of the said pond, & so to the northwest end of y^e litle pond, & from thence to the no^rtheast end of the said litle pond, & from thence to the nerest place of Sudbury line, acodⁱng to the marked trees. This is our retou^rne of the Courts desire, this 7th 10^{mo}, 1644.

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18 June.

THO: MAYHEW, PEETER NOYSE, EDMOND RISE.

*This Courte is adjourned till y^e first 4th day of the 8 month, vnlesse the Gou^rno^r see cawse to call the Courte sooner.

[*34.]

**Att another Session of y^e Generall Courte of Eleccⁱons, called by Warrants, by y^e Gouno^r, y^e 12: 6 M^o: 1645.*

12 August.

[*35.]

P^rSENT THEREAT, The Gou^rno^r, Deput^s Gou^rno^r, & y^e rest of y^e Asistants, wth all the Deput^s of y^e last Gennerall Cou^rte, except Lef^t Atherton, who was sent out on speciall occaⁱon.

By both howses.

Cap^t Hautho^rne chosen Speake^r for y^a session.

IT was resolved on y^e question, y^t all things considered, wee conceave ourselves bound (Vncus requiring it) to send forth ayde to him, for his defence agⁿt y^e tumultuous & iniurious inroads of y^e Narragansetts on him & his.

By both howses.

Mr. Speake^r, Major Gibbons, Cap^t Cooke, & Cap^t Jennison are chosen a committee to treat wth o^r honno^red Magis^{ts} about the illegallity of y^e co^mmission^{rs} proceedings in p^ressing o^r men beyond lawe & wthout rule; & to moove y^t ye co^mmander of those forces have his co^mmission from y^e Gennerall Cou^rte only.

Committee on impress^s men.

Itts ordered, that there shallbe a millitary watch in all townes, & y^t o^r honno^red maj^{or} gennerall issue out his warrants to all millitary office^{rs} therefore.

Military watch es established.

By both howses.

Itts resolved vpon y^e question y^t y^e Psse lately chardged and issued out vnder y^e hands & by y^e power of y^e co^mmission^{rs} of y^e Vnited Collonyes is illegall.

Pressing men illegal.

The Howse of Deput^s voted, y^t y^e co^mmission & instrucⁱons signed by y^e co^mmission^{rs} shall, by virtue of this o^rder, be y^e co^mmission & instrucⁱons to be co^mmitted to Lef^t Humfry Atherton & S^rg^{nt} Davies, as cheife co^mmande^rs of y^e forty sent forth to ayd Vncus in his defence agⁿt y^e incu^rsions of y^e Narragansetts on him; signed by y^e Secre^t, & sent to y^e said lef^t.

Orders to Lieut^t Atherton.

1645.

12 August.
Inquiry re-
specting sol-
diers to be
raised.

The Howse of Deput^{ies} desire to vnderstand, from o^r honored Magist^{re}, what nombe^r of souldie^rs y^e propo^{rtion} of this collony doth amount to for this p^{re}sent expedi^{tion}; 2^{dy}, what time is thought most fitt for their going out; & 3^{dy}, how these souldie^rs shall be furnished wth armes, &c; & 4^{thly}, what y^e chardge of this expedi^{tion} will amount vnto, y^t so y^e readiest way maybe taken, & order made for y^e expediting thereof; also to vnderstand wther o^r honored Magist^{rs} conceave it not necessary y^t there should be a genne^{rall} o^f all y^e forces in y^e service to be employed, & if so, then who he is.

[*36.]

300 men to be
raised.

*The answer of y^e Magist^{rs} retourned is, y^t y^e co^{mmission}^{ers} of y^e Vnited Collonyes have dete^rmined y^t y^e whole nombe^r of souldie^rs to be p^{ro}vided for y^e p^{re}sent expedi^{tion} in all y^e fowe^r collonyes is 300; whereof o^r p^{ro}te for y^e Massachusetts is 190 of this nombe^r, there being already sent 43, & 2 to attend & bring backe y^e ho^rses. The nombe^r now to be p^{ro}vided is 147.

The time appointed for them to sett forth is y^e 22th of this moneth, at furthest.

The randevous is thought fittest to be at Boston; that e^{ch}y souldier is to be sent ready armed, wth muskett, sword, bandaleers, & knapsacke, or a carabyn & halfe pike, & knapsacke & some corslett, & cotton coates, & some horses.

By both
howses.

Itt is ordered, y^t y^e levy y^t shall be issued out of this Cou^{rte} for this expedi^{tion} shallbe y^e same, viz., 616^l 15^s, & p^{ro}por^{tioned} as y^e fo^{rme}r rate was.

Guards to be
kept against
the Indians.
By both
howses.

Forasmuch as this Cou^{rte} vpon good grounds conceave it a matt^r of great conceⁿment to secure (wth in them lyes) all townes wthin this collony agⁿt y^e expected incu^rsions of y^e Indians, it is therefore ordered, y^t y^e cheife millitary office^rs of e^{ch}y company shall wth all dilligence take order y^t there be a daily warde kept vpon y^e out skirts of their sett^l townes y^t lye wthin their sett^l chardges, & y^t they send out carefull & daily scouts for y^e rainging of y^e woods vpon y^e borde^rs of their sett^l townes; y^e chardge to be given to y^e said warde or scouts, & y^e manning of this buisnes be left to y^e faithfulness of y^e said cheife millitary office^rs; & it is further ordered, & power is hereby given to such millitary office^rs to p^{re}esse such & so many ho^rses wthin y^e limitts of their chardges as they shall see necessary for y^e carefull dischardge of this dayly service. This to stand in force till y^e Courte or y^e counsell of this co^mmon weale shall take further order, p^{re}serving y^e farmes asmuch as may be.

Scouts sent
out.

Edw^d Gibbons
to command
the forces.

The co^{mmission}^{ers} of y^e Vnited Collonyes, having considered of S^{ign}^t Major Edward Gibbons as a p^{er}son fitt to be employed in cheife co^mmand o^f all such forces as are now to be sent forth from all y^e collonyes, in ayde of y^e Mohegin sachem, have thought fitt to signify so much to yow, y^t if yow shall not advise vs of any thing w^{ch} may be a just impediment herevnto, wee may p^{ro}ceede to

give him a full call to y^e service; & wthall it is desired if yo^r thoughts concurr wth ours, yow will please to spare him from *attending on y^e buisnes of this Courte, y^t he may p^repare himself to be ready for y^e imploym^{nt} he is now to be called to.

1645.

12 August.
[*37.]

This Courte, considering y^e dayly excersise w^{ch} y^e seuerall townes wthin this collony are like to have by reason of y^e p^resent warre wth y^e Indians, & accompting it to be wthin y^e care of y^e Courte to p^rvide for y^e safety of e^{vy} p^rte as well as y^e whole, it is therefore ordered, & heereby power is given to y^e cheife co^mmander of e^{vy} company to appointe out & to make choyce of thirty souldie^rs of their companyes in y^e hundred, who shallbe ready at halfe an howers warning vpon any service they shallbe putt vpon by their cheife military office^rs. And it is further ordered, y^t y^e trayne souldie^rs of e^{vy} company shall forthwth p^rvide themselves to be ready, wth their armes ready fixed, & y^t they have powder, bulletts, match, & bandaleeres alwayes ready, according to former order; as also y^t e^{vy} souldier p^rvide himself a knapsacke, to be in a readines vpon any service they shall be called to at or before y^e 25th of y^e p^resent 6th m^o. And if after y^e p^refixed time any such souldier shallbe wanting of a knapsacke, y^t then y^e clarkes of y^e bands wthin their seuerall companyes have hereby power, & are hereby required, to distreine to y^e vallew of five shillings vpon y^e goods of all such as shallbe found to be defective herein, who shall wth p^rte of y^e said fine p^rvide y^e said delinquent a good knapsacke, & y^e clarke shall have the rest for his paynes.

Soldiers to be
in readiness in
case need.

Penalty if defi-
cient.

To y^e s^rveyo^r gennerall of y^e a^munition.

By y^e authority of y^e Gennerall Cou^rte, yo^w are heereby required to p^rvide forthwth a sufficient quantity of muskett bulletts, pistoll bulletts, & swanne shott, & match; & if yow have not in store leade & mould for casting y^e same, y^t then yow take vp so much lead, pistoll bulletts, & swanne shott, & match, where yo^w cann finde y^e same, as may se^rve y^e occa^sion, giving to y^e owne^rs seuerall ticketts, whereby they may receave dew satisfac^on from y^e Treasu^rer, according to y^e rates for w^{ch} such things are sould in y^e shopps or warehowses in Boston; for w^{ch} this shall be yo^r sufficien^t warrant.

Surveyor gen-
eral, orders to.

*Major Edward Gibbons is chosen co^mmande^r in cheife o^ur all y^e forces to be sent out by y^e Vnited Collonyes, by y^e co^missione^rs. The Howse of Depu^ties, aco^rding to their desires, have dismissed y^e majo^r from his attendance on y^e buisnes of this Courte, y^t so he may the better p^repare himself for y^e dischardge of y^e place he is called to.

[*38.]

Maj^r Gibbons
to review the
troops and
command
them.

The co^mmissione^rs, having considered y^e necessity of sending vessells to y^e
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1645.

12 August.
Vessels to con-
vey troops to
Narragansett.

Narragansetts, w^{ch} will require more men then the comānde's in this service are willing to spare out of their land forces, desire y^t such as are to be sent in y^e said vessells may be an ouer nomnber, & y^e chardge to be answered by the whole confederacōn; & if neede require, there shall be an ouer nonmber porcōnably sent out of y^e other collonyes. The comīssione's desire y^e Genne'all Cou^rte to approove hereof. Voted & consented to by both howses.

Mr Lile chirū-
geon.

Mr Lile is appointed chirur^gion for y^e souldie's y^t are to be sent forth in y^e expedi^cōn vnder y^e comānd of Major Edward Gibbons.

Edmond Goodenough, on his request, grounded on y^e tounes speciall occa^cōns, is dismissed this Cou^rte.

Lieu^t Atherton
to command 40
men.

Itt is o^rdered, y^t Left Atherton be comānde^r in cheife ouer ye fforty sent forth wth him, when o^r forces meete vnder Major Gibbons, as cheife comānde^r o^ur y^e whole forces.

Corn & hay,
soldiers to as-
sist in saving.

Whereas some of those souldie's w^{ch} have binn sent forth already in y^e p^rsent expedi^cōn, & others who are soone to be sent forth, have themselves, or their m^rs or parents, wth whome they lived, some co^rne & hay to be cutt doune & p^rserved, w^{ch}, by reason of their absence, will be in dainge^r to be lost, if care be not taken for y^e same, its therefore ordered, & y^t in e^vry such case y^e constables of y^e tounes, vpon request made to him by y^e p^rtye, shall p^rcure so much helpe of men, if voluntarily they may bee had, or otherwise by im^psse, as shall p^rforme so much of such worke as such souldier, if he had stayd at home, might have donne in y^e inⁿing & p^rse^rving such corne or hay, y^e p^rty paying y^e ordinary wages for y^e same; for w^{ch} this shallbe a sufficient warrant.

[*39.]

By both
howses.

*Mr W^m Pellam being nominated to this Cou^rte, by y^e toune of Sudbury, for their captaine, & Edmond Goodenow as their ensigne, were both accepted & confirmed in those places by this Cou^rte.

R. Fairbanks's
account.

A bill of sixty & nyne pounds eighteene shillings & five pence, being p^rsented to this Courte by Rich: Fairbanks, of many p^rticule's as dew to him from y^e country, is accepted by y^e Courte for a debt of sixty three pounds nyne shillings, & c, dew to y^e country from Mr Edward Ting, so farr as it appeares to be just by y^e examina^cōn of y^e s^rveyo^r genne'll & W^m Parks.

Gov^r and coun-
sel to call the
Deputies, when
necessary.

This Cou^rte, having taken into considera^cōn how the necessary affaires of this jurisdic^cōn, whether they conce^rne this peculiarly, or have reference to y^e rest of o^r confederated collonyes, may be dewly & speedily transacted in y^e vacancy of y^e Genne'all Cou^rte, for y^e satisfac^cōn of y^e comīssione's, in respect of y^e weighty & suddayne occa^cōns in hand, doth expresse, y^t y^e Genne'all Courte ought to be called by y^e Gov^r when y^e importance of y^e buisnes doth require it, & y^e time & optunity will safely admitt y^e same; and y^t all other necessary matte's are to be o^rdered & dispatched by y^e major p^rte of y^e councill

of y^e comon wealth, & therefore to y^t end lette^rs signifying breifely y^e buisnes & y^e time & place of meeting for consulta^{ti}on ought to be sent vnto y^e Asis^tant^s.

1645.

12 August.

Also, y^t seven of y^e said Asis^tant^s meetings & y^e Go^urn^r, or Depu^{ty} Go^urn^r, being one, is a sufficient assembly to acte, by p^ossing of souldie^rs or othe^rwise. And in case of extreame & vrgent necessities, when endevor^s are reasonably vsed to call y^e Assis^tant^s together, & y^e buisnes to be dispatched will not admitt delay, then y^e ac^ts of so many as doe assemble are to be accomp^ted valid & sufficyent. Itt is intended y^t y^e gennerall words above written contayne in them power to p^osse & send forth souldie^rs, & presse all manne^r of victualls, vessells, & carriages, & all other necessaryes, & to send warran^ts to y^e Treasurer to pay for them.

Itt is ordered, y^t Lef^t Tory be cheife millitary office^r in Hingham, & to acte as othe^r cheife office^rs till furthe^r orde^r.

*A note of p^orticule^rs agreed on of what will be needfull for the p^osent expedi^{ti}on, for the suply of 200 men. [*40.]

Imprimis. Bread, tenne thousand ;
 Pease, three hogsheads ;
 Beife, 6 hogsheads cutt into messe peices ;
 Fish, tenn kentalls ;
 Oyle, tenne gallons ;
 Vinegare, one hogshead ;
 Strong water, one hogshead ;
 Beafe, one tunne ; (wyne, at pleasure ;)
 Oatmeale, one hogshead ;
 Flower, two hogsheads ;
 Butter, sixe firkinings ;
 Raysons of y^e sonne, two bar^lls ;
 Suga^r, ½ c^t ;
 Candells, one duzen ;
 Hatchetts & axes, one duzen.
 Spades & shovells, thirty ;
 Pick axes, sixe ;
 Ketles, sixe, for boyling ;
 Platte^rs, thirty sixe ;
 Payles, tenne ;
 Cannes, tenne, or potts, twenty ;
 Salt, one hogshead ;
 200 fathome of codlyne.

This Cou^rte is adiouⁿed to the first 4th day of the 8 month next.

[Pages *41 and *42 are blank.]

1645. **All y^e last Session of y^e Gennerall Cowte of Eleccōns, begunne the
2^d of October, 1645.*

2 October.

[*43.]

P^RSENT THEREAT, The Goūno^r, Depu^t Goūn^r, wth y^e rest of y^e
Asistants, Mr Pinchon excepted, wth all the Depu^ts, Cap^t
Wyggin excepted, & y^e Depu^ts of Boston.

CAP^T George Cooke, a member of y^e Howse of Depu^ts, was chosen
Speake^r for y^e howse for this session.

By both
howses.

Lef^t Atherton & W^m Parkes are appointed a comittee to examine all
such bills as are for y^e expence of souldiers, & others of like nature, before
they be subscribed for by y^e Treasurer.

Cap^t W^m Jennison, being to goe for Virginia, at his request was dis-
missed y^e service of y^e Cou^rte.

Lef^t Willard, on y^e peti^cōn of y^e inhabitants of Conco^rd, was dismissed
from ffurther attending on y^e service of this Cou^rte for this session.

By both
howses.
Robert Bridges
appointed to
negotiate with
the French at
Acadia.

Whereas Cap^t Rob^t Bridges is thought a meete pson by both howses, &
by them employed to negotiate wth Mounsieu^r De Aulnay, knight, lef^t gen-
nerall for y^e King of Franⁿce, in y^e pvince of Accadye, on y^e speciall affaires
of y^e comissioners for y^e United Collonyes, itt is ordered, y^t Cap^t Rob^t
Bridges shall have two men, such as he shall make choyce of, & are willing
to goe wth him, who may accompany him in y^e service y^e country hath called
him vnto; and that he shall have a youth to attend on him as a page in his
chamber, & all on y^e chardge of y^e countrye.

Instruccōns agreed vpon by both howses ffor Cap^t Rob^t Bridges to obse^rve in
his negotiation.

Instructions
for him.
By both.

1. Yow are to deliver y^e letter & other wrightings vnder y^e hands of y^e
comissioners to Mounsieu^r De Aulnay.

2. Yow are to shew him yo^r comission.

3. Yow are to desire him to signe to y^e artickles of peace in a like
wrighting, w^{ch} he may cawse to bee drawne vp, w^{ch} if he shall, on considera-
tion, refuse, then yow are to know what ans^r he will retourne.

4. Yow shall declare to him how carefull wee have binn to keepe ye
artickles of agreement wth him, in that wee wholly refused to affo^rd Mounsieu^r
La Tou^r any ayde, & did what lay in vs to restraine *volunteers, w^{ch} occa-
cōned him to leave vs when he did.

[*44.]

5. For sending home his ladye, yow may assure him it was not our act;
nor had wee reason to hinder it, seing it was most meete for hir to be wth hir

husband: & for the chardge of hir transpo^rta^cōn, that w^{ch} was receaved of Cap^t Bayly was more then sufficien^t, both for that & for hir expences here.

1645.

2 October.

6. If he shall desire any explana^cōn, addi^cōn, &c, abou^t y^e artickles of peace, yow shall desire him to sett doune his minde in writing, & yow may p^rmise him it shallbe considered, & w^tsoeuer is just & reasonable shallbe graunted.

In ans^r to y^e peti^cōn of Joseph Hills, in behalfe of M^r Thomas Marsh, of London, for satisfac^cōn for an adventure of 33^t 06^s, itt is ordered, y^t y^e peti^cōner shall have so much land where he cann finde a convenient place, as his adventure, aco^rding to y^e p^rpor^cōn agreed on for such adventures.

T. Marsh to
have land
granted.
By both
howses.

M^r Allen & Sam: Basse, on their vrgent occa^cōns, are dismissed from y^e service of y^e howse till y^e 2^d day at one of y^e clocke, & so also is Left Ather-ton to y^e like time.

Allen & Bass
excused.

In ans^r to y^e peti^cōn of Jo: Hill, S^rg^{nt} Jo: Davies, Jo: Chandler, Isaacke Walker, & Mathew Barnes, James Cutle^r, &c, in rela^cōn to Nashaway planta^cōn, itt is ordered, y^t Jo: Hill, S^rg^{nt} Davies, Jo: Chandler, Isaack Walker, & Mathew Barnes, or any three of them, shall have pow^r to sett out lotts to all y^e planters, provided they sett not their howses to farr asunder; & y^e greater lotts to be propo^rcionable to mens estates & chardges; & y^t no man shall have his lott confirmed to him before he hath taken y^e oath of fidellity before some magis^t.

By both.
J. Hill & oth-
ers to lay out
lots.
Nashaway,
now Weston.

In ans^r to y^e peti^cōn of Geo^rge Hepbou^rne, Tho: Buttolph, James Johnson, Nath W^{ms}, Geo^rge Clyfford, Tho: Goulbe, glo^rus, ag^{nt} y^e transpo^rta^cōn of goate skynnes vndressed, itt is ordered, y^t Ralf Woory shall have libe^rty to transpo^rt 8 dozen of goate skinns, w^{ch} he affirmes he hath already sould, to be d^d into England, & y^t for y^e time to come, if he or any o^rther shall shipp any to be transported ou^t of this ju^risdic^cōn, vnless they be dressed & made into gloves or other garments, all such skynnes shall bee forfeited to y^e co^mon wealth, or y^e valew thereof if the skynnes cannot be found.

Goat skins not
to [^] shipped
undressed.
By both.

Att y^e request of y^e inhabitant^s of Dedham, M^r Wheelocke is appointed, & hereby hath co^mission graunted him, to marry people there that are dewly published.

*Whereas Cap^t Rob^t Bridges is imployed by this Courte to negotiate wth Monsieu^r De Aulnay, knight, lef^t genne^rall for y^e King of Fraunce, in y^e p^rvince of Acadye, on y^e spe^ciall affaires of y^e co^mission^s of y^e Vnited Collonyes of New England, in a vessell of [^] [^] whereof M^r Allen is m^r, theis are therefore to require all p^rsons of this ju^risdic^cōn to be assistant to him as neede maybe, & to desire all other our loving neighbo^rs to affoo^d him such cu^rtesyes as occa^cōn may call for, & wee shall be ready to requite them wth the like when

[*45.]

By both
howses.
Robert Bridges
passport.

1645.

2 October.
Committee on
roads.

By both
howses.

By both
howses.

portunity shall serve. In testimony whereof, I, Thomas Dudley, Goũn^r of y^e Massatusetts, have caused y^e publicke scale of o^r collony to be hereto affixed.

Left Tory, Left Athirton, & Stephen Kingsly are appointed by this Cou^rte to veiw y^e neeres^t way betweene Dorchester & Weimouth, & to retou^rne their thoughts to y^e next sitting of y^e Genne^rall Cou^rte.

Alia innp^ræsentiarum non datura scribendi occasio, nisi vt delagatorum fœdaratarum No: Ang^t coloniarum intentionem tibi inscriptis secundum pactum exhibe^re, et vestram. Ittidem (si modo placet) pacis inchoatæ confirmationem recipere possimus in quem finem gennerosum hunc nobis charissimum ducem Robertum Bridges ad te delegatum velimus p^r quem etiam actiones et intentiones nostræ tibi clarius innotescere queant quam ante hac fo^rsan ex fama mendaci ppisce^re possis vestrum quoq^{ue} in nos animum, quod ab alijs et videre possit hactenus non intelligimus, a te metipso p^r quierrere instructus est quibus vtrinq^{ue} pspectis et queritionibus et offensis quibus tunq^{ue} tempore optuno secundum delagato^rum ppositionem ex æquo compositis pacis hinc ex mutua benevolentia et omnibus vicinitatis officijs vtriq^{ue} genti ad bonum fructum redundare possis.

By both.
J. Glover, farm
confirmed to
him.

In ans^r to y^e petiçõn of y^e children, executrix, & oũseers of y^e last will & testamen^t of M^r Thomas Newbe^ry, late of Dorchester, deceased, for y^e confirmation of y^e ffarme of y^e said Thomas Newbe^ry to M^r John Gloũr, of Dorchester, of whom they acknowledged to have receaved full satisfacçõn; in consideraçõn whereof their petiçõn is ffully graunted, & y^e ffarme confirmed to y^e said J^o Gloũr & his heires.

7 October.

The Cou^rte is adiourned till y^e 7th day of this instant mō, at one of y^e clocke, at w^{ch} time y^e Cou^rt met againe.

Vpon a petiçõn of Rich: Saltonstall, Esquier, for justice to be donne on Cap^t Smith & M^r Keysa^r for their iniur̃ious dealing wth y^e negroes at Gynnye, y^e petiçõn was graunted; & ordered, y^t Cap^t Smith & M^r Keisar be laid hold on & com̃itted to give an^r in convenient time thereabouts.

[*46.]

By both
howses.
Commission^{rs}
to form a code
of laws.

*Whereas this Cou^rte, in a fo^rme^r session, chose & appointed seuerall honno^red membe^rs of this com̃on weale, as com̃issioners in their seuerall shieres, to meete together in some convenient place wthin each shiere, to consult together, & to retourne to this Cou^rte a result of their thoughts, that this Cou^rte may pceed therevpon to satisfye y^e expectaçõn of y^e country in establishing a body of lawes, this Cou^rte thinkes it meete to desire the p^rsons in that order mençõned, M^r Bellingham being added to them for Suffolke, M^r Symonds in his roome for Essex, M^r Joseph Hill in Cap^t Cookes roome, M^r Knowles in M^r Allens roome, & M^r Glover in M^r Prichards roome, & y^e care of calling each

committee in Boston for Suffolke, in Ipswich for Essex, & in Cambridge for Middlesex, to Mr Bellinghm for Boston, Mr Pellam for Cambridge, & Mr Symonds for Ipswich, to their seuerall meetings for y^e accomplishment of that end so desired, & to make their retourne of what they shall doe herein to the next sitting of the Gennerall Cou^rte.

1645.

7 October.

In ans^r to y^e peti^con of W^m Davies, sonne to W^m Davies, deceased, vpon the acknowledg^mt of John Coudall & Ma^y his wife, being fully satisfied for a bargaine of sale of a certaine howse in Boston, wth two acke^s of land, in that lease largely appeareth, his peti^con was graunted, & the said house & lands confirmed to him, y^e said W^m Davies, & his heires fo^eur.

W^m Davis
petition.
By both
howses.

In ans^r to y^e peti^con of W^m Wilson, keeper of y^e p^rison, itt was graunted that the sixe yards of trucking cloth sent wth the attend^{nts} of Cap^t Bridges

By both
howses.

Itt is ordered, y^t Mr Joseph Cooke shall, in y^e absence of Cap^t Cooke, take care of y^e company of Cambridge till y^e Cou^rte shall take further order, & y^t on y^e tounes request, John Stedman be establish^t ensigne to the company there.

By both
howses.

It ans^r to y^e peti^con of seuerall inhabitant^s of Marble-head, itt was graunted y^t Arthur Sandyn should have liberty to sell wyne there.

By both
howses.

Forasmuch as this Cou^rte hath fo^rmely graunted that there should be a village vpon Ipswich River, att or nere a place called the New Meadowes, & forasmuch as certaine of the inhabitant^s of Ipswich who have farmes imp^{ro}ved neere therevnto, & doe desire that a minis^ter might be setled there to dispen^{ce} the word to y^e p^resent inhabitant^s & such othe^rs as shall plant themselves at the said village, whom yett, no^t wthstanding they are no wayes able in any comfortable manne^r to maintaine a minister, & doe defray other necessary chardges of y^e place, if wthall they should be liable to all other rates & publiq^{ue} chardges of y^e toun^e of Ipswich, this Cou^rte doth therefore hereby order, that either the whole toun^e of Ipswich shall æqually contribute (wth such of their inhabitant^s as have lands in or neere the said village) to the maintenance of a minister & all other publicq^{ue} chardges incident to such a village; or else y^e aforesaid inhabitant^s that have lands nere the said village, & shall contribute to y^e maintenance of a minister there & other necessary chardges, shall be freed from all manner of rates, chardges, or contributions to the toun^e of Ipswich for their land & stocke in or belonging to y^e said village.

Village upon
Ipswich River.
By both
howses.

Itt is o^r d^red, y^t Straweberry Bancke & Dover be sent to for what they stand indebted to y^e country for their depu^{ts} diett & Cou^rte chardges, & cou^rse taken for it.

*In ans^r to y^e peti^con of S^r Rich^d Saltonstall, for seuerall so^mes of mony [*47.]

1645. w^{ch} he fo^rme^rly laid out for the vse of this country, itt is ordered, y^t for five
 7 October. barrells of powder he sen^t hither he shallbe allowed thirty pounds, for his ex-
 By both pences in the country suite vpon y^e quo wa^ranto twenty pounds, ffor monyes
 howses. paid to M^r White & M^r Ballard ffifty pounds, ou^t of w^{ch} is to be deducted
 R. Saltonstal's nyne pounds y^t Rob^t Saltonstall hath had; and for his monyes put in as his
 petition. adventure he is to be allowed his just ppor^cōn of lands, as other adventurers
 & unde^rtakers have vpon peti^cōn to this Courte: for his mony deliuered to
 Pont, y^e Courte seeth no cawse to allow it.

W. Hawthorne In ans^r to y^e peti^cōn of Cap^t W^m Hautho^rne ffor 250 ac^res of land to be
 petition. adioyned to Majo^r Genne^rall Endecotts farme, at y^e west end thereof, so as he
 By both. p^{er}u^e y^e consent of y^e inhabitan^ts of Rowley, in whose bounds it is, ffor w^{ch}
 itt is o^rdered, y^t they shall have liberty to take so much land in some other
 place at the end of their 8 miles.

By both. The oath for y^e ju^ry for life & death agreed on by both houses.

Jurymen oath.

Yow doe sweare by the great name of y^e Almighty God, y^t yow will well
 & trewly try & trew deliuerance make of such p^risono^rs at y^e barre as yow
 shall have in chardge, aco^rding to yo^r evidence. So help yow God.

D. Gov^r, re- Itt is o^rdered, on y^e request of o^r honno^red Dep^{ut} Go^urn^r, y^t y^e 50^t fo^r-
 quest of. me^rly graunted him for his service in y^e place of Go^urn^r, anno 1642, b^e paid
 By both. him out of the treasury, deducting 5^{ts} ffor Katharine, one of y^e maids
 brought ouer on the countryes stocke.

J. Gonklyn. In ans^r to y^e peti^cōn of John Conklin & Annanias Conklin for the neg-
 By both. lect^t of the vndertakers of y^e glasseworke these 3 yeeres past, either to be free
 Petition of to p^rvide for themselves or to leave it of in regard of y^e publicq interest,
 glassworks their request is graunted, provided that if any of the p^rtyes interes^ted shall,
 men. vpon timely notice, shew cawse at y^e next Q^{rt}r Courte at Boston, wherevpon y^e
 magis^{ts} shall judge it æquall that the cawse should have further hearing, then
 the full an^sr & determina^cōn of this peti^cōn shallbe deferred to the next Gen-
 ne^rll Courte; otherwise the peti^cōne^rs shallbe at liberty, according to their
 desire.

By both. Itt is ordered by this Courte, that Rich^d Saltons^tall, Esq^r, & Cap^t George
 Commissioners Cooke shallbe joyned wth M^r Pocoke & other o^r co^mission^rs in England, in
 in England. negotiating for vs before y^e right honno^rable the Earle of Warwicke & the
 rest of the co^mission^rs for planta^cōns, &c, or before the high Courte of
 Parliamen^t, if occa^cōn require, concerning the 2 late graunts or charte^rs
 for goue^rmen^t or iurisdic^cōn in the lands adioyning to the Narragansett Bay.

A copy of a letter sent to Mr W^{ms}, of Providence.

1645.

Sr, wee received lately ou^t of England a charter from y^e authority of y^e high Cour^te of Parliamen^t, beareing date 10th Decembe^r, 1643, whereby y^e Narragansett Bay, & a certaine tract of land wherein Providence & y^e Iland of Quidny are included, w^{ch} wee thought *fitt to give yow, & other our country men in those p^{ts}, notice of, y^t yow may forbear to excercise any jurisdiction therein, otherwise to appeare at our next Genne^rall Cour^te, to be holden the first 4th day of y^e 8 month, to shew by what right yow claime any such jurisdiction; for w^{ch} purpose yo^rself & other yo^r neighbo^rs shall have free liberty to come, stay, & retourne, as the occa^sion of y^e said buisnes shall require. Dat^d at Boston, in y^e Mattatusetts, 27: 6 m, 1645. To Mr Roger W^{ms}, of Providence, by o^rder of y^e counsell.

7 October.
By both.
Letter to Mr
R. Williams,
Providence.
[*48.]

INCREASE NOWELL, Sec^t.

In ans^r to a peti^cion of seuerall inhabitants of y^e toune of Braintree, ffor y^e app^roba^cion of this Cour^te, to goe & plant a toune in y^e place where Mr Go^rton did live, itt was graunted, so as they take not vp above 10000 ac^rs; & that seven be freemen, to dispose of toune affaires, & that they build tenn howses there wthin this twelve months.

By both.
E. R. cont. di-
cens.
Braintree
inhabitants
petition.

A lett^r to Mr W^{ms}, of Piscataq.

Boston, y^e 14th 8 m, 1645.

14 October.

Mr W^{ms}: Y^e Cour^te, vnderstanding y^t y^e negroes w^{ch} Cap^t Smyth Smith brought were fraudulently & iniuriously taken & brought from Gynny, by Cap^t Smiths confession, & the rest of y^e company, doth resolve to send them backe, & therefore doe desire y^t the negro w^{ch} yow had of Cap^t Smyth be forthwth sent hither, that he maybe sent home wthout delay. If yow have ought to alleadge why yow should not retou^rne him, to be disposed of by the Cour^te, itt willbe expected yow should forthwith make it appeare, either by yo^rself or yo^r agent, but not to make any excuse or delay.

By both.
Letter to W^m
Win.

Vpon y^e peti^cion of Mr Stephen Winthrop & Cap^t Joseph Weld for the country to beare their chardges, & save them harmelesse in y^e suite betweene Alderman Barkly & them, wth respec^t to a judg^{mt} here recouered ag^{nt} the said alderman for y^e Lady De la Tou^r, itt was answered, that there should be a ce^rtificate of the truth of y^e Cou^rts p^{ceed}ings in y^e suite, & leave them to their lawfull remedy ag^{nt} the said Alderman Barkley.

Stephen Win-
throp petition.
By both.

In ans^r to y^e peti^cion of Mr Thomas Foule, for y^e countrye to beare his chardges for Alderman Barkley staying his shipp, wth rela^cion to y^e judg^{mt} ag^{nt}

By both.
Tho^s Fouls pe-
tition.

1645. y^e said alderman, the Cou^rte ans^r him as they did M^r Winthrop & M^r Weld, as above.

14 October.
R. Turner pe-
tition.
By both.

In ans^r to y^e peti^cōn of Rob^t Turner, for his debt dew to him, itt is ordered, y^t he shallbe allowed after 8^t p cent for forbearance, & y^t he shall have a warrant to the Treasu^rer to make good & speedy payment of y^e whole.

By both.
R. Saltonstall
acct settled.

Itt is ordered, y^t M^r Rob^t Saltonstall, giving an full acquittance to y^e Sec^rt for what debts are dew to S^r Rich Saltonstall, y^t he receaves by vir^tue of his father's letter of attorⁿey to him, shall have what is allowed by y^e comⁱtee, so as, before he receive satisfac^cōn, he pay his fine of 10^t for his grosse abuse; the audito^r signing him a bill to the Treasu^re^r for it.

[*49.]
By both.
M^r Stoughton
to give securi-
ty.

*Itt is ordered, y^t if M^r Stoughton bringe two sufficyent men, or more, to answer the coun^ry for what hir late husband stands indebted to the country to y^e satisfac^cōn of y^e audito^r genne^rall, shee shallbe dischardged therefrom by y^e audito^r.

By both.
Arms to be
sold.

Itt is ordered by this Cou^rte, y^t y^e s^rveyo^r genne^rall shall hereby have power to sell all y^e countryes armes vnto any pson o^r psons inhabiting wthin this jurisdic^cōn, he giving an accompt for what he shall sell vnto y^e audito^r genne^rall.

By both.

Itt is ordered, y^t y^e associats of y^e Cou^rts at Salem & Ipsuich, for y^e time being, shall continew as associa^{ts} till this Cou^rte take further o^rder.

18: Octob.

18 October.
Castle repairs.
Towns fined, if
neglected.
By both.

The Cou^rte, not taking it well, y^t y^e Castle is & hath binn so long neglected by y^e se^ru^ll townes y^t vndertooke the finishing thereof, doe o^rde^r, y^t if, by the last of this instant month, the toune of Boston finish not y^r p^rte w^{ch} belongs to them at y^e Castle, as hanging of y^e gates, o^r elce they shallbe fined twenty pounds, & for e^vry day y^t any thing w^{ch} belongs to be donne by Boston, & is not donne afte^r that day, they shall fo^rfeite five povnds a day mo^re; & so for Do^rcheste^r, Charles Toune, & Cambridge, w^t worke soe^ru^ll belongs to any of them to doe, & is not donne wthin this fortnight from this day, to be fined twenty pounds a peece, & five pounds a day for e^vry day y^t any thing belonging to any of those townes are vndonne, or not finish^t afte^r that time.

Committee to
audit accounts.
By both.

Itt is o^rde^red, y^t M^r Hibbings, M^r Sparhauke, & Edward Rawson shall audit y^e accompt^s of M^r Downing & Maj^{or} Nehemiah Bouⁿe for y^e debt w^{ch} y^e last yeere M^r Douning was quæstioned for, if it maybe in y^e sitting of y^e Cou^rte, or els before the shipp goes away for England; & they have hereby power to summon them, & appoint the time of meeting for y^t end, & either

to signe him or them a bill to the Treasur^er, if any thing be dew to him or them from y^e country, or to vse all y^e meanes they canne, or y^e lawe affoord^s, to p^{er}cuse wth dew to y^e country from him or them, as shall appeare. 1645.
18 October.

*Itt is orde^red, y^t y^e somme of sixty pounds, w^{ch} y^e Deput^s engaged themselves to pay to James Penn in mony, wheate, beavo^r, barly, or catle, y^e same not being p^{er}formed, shall forthwith be paid by y^e Treasur^er, aco^rding to y^e said engagement. [*50.]
By both.
J. Penn,
money to be p^d.

The Cour^{te}, being often troubled wth y^e suits of p^{er}ticule^r p^{er}sons, doe orde^r y^t M^r Smith shall pay-twenty nobles for y^e defraying y^e chardge of y^e Courte in y^e hearing of his cawse, & y^t y^e toune of Ipsuich & y^e peti^{ti}on^s of y^e New Meadowes shall pay ffive pounds for y^e time their cawse tooke vp in this Cour^{te}; ffifty shillings y^e toune, & ffifty shillings y^e peti^{ti}on^s; & y^t Water-toune shall pay ffifteene pounds for y^e time their cawse tooke vp y^e last Cour^{te}. By both.
M^r Smith to
pay Court
charges.
Watertown.

Nicolas Symkins, swo^rne, saith y^t he carryed to y^e Castle three peeces of ordnance in a lighter, for y^e countrys vse, whereof one was a sac^{re}, w^{ch} M^r Bellinghm sayd was his oune, & some of y^e people said y^t it was M^r Bellinghm gu^{er}ne; this was a tenn yeres agonne. Deposed before Tho. Dudley, Go^v, 21 Octob^r, 1645. M^r Bellingham
to have a gun.

Itt is orde^red, y^t y^e s^{er}veyo^r genn^{er}ell deli^uer the same or y^e like gunne to M^r Bellinghm. By both.

In ans^r to y^e peti^{ti}on of Em: Douning, Nehe: Bou^rne, Rob^t Seduike, Tho: Foule, wth others, for y^e abroga^{ti}on or alte^ra^{ti}on of y^e lawes ag^{an}t y^e Anabap^{ts}, and y^t lawe y^t requires special allowance for new come^s residing here, itt is orde^red, y^t y^e lawes in y^r peti^{ti}on men^{ti}oned shall not be altered or explayned at all. Anabaptist
laws to be in
force.
By both.

For y^e bette^r defraying the great chardges y^t necessarily attends the publicq occa^{si}ons of this co^mon weale, w^{ch} by all is desired to be lessened as much as may be, itt is orde^red, y^t e^{er}y p^{er}son that shall receave any wyne from any vessell a shore on any p^{ar}te of this jurisdic^{ti}on shall pay to the office^rs appointed to receave it, for euery butt of sacke 10^s, & so p^{ro}por^{ti}onable for lesser vessells; & for euery hogshead of French wyne two shillings sixe pence, & so p^{ro}por^{ti}onable for lesser vessells, wthin sixe dayes after his receipt thereof, either in mony, good ma^rchantable bevo^r, or in the bes^t of y^e same wyne, at the marchan^ts prize. And if there be any p^{er}son that shall not, wthin fower dayes after the receipt of any wyne a shore, enter the same into the booke of the said offic^r, or his deput^t, so much as shallbe found or p^{ro}ooved to be receaved, & not entered into y^e said office^rs booke, shall be forfeite to the sole vse & benefitt of y^e country & officer; halfe to the country, & halfe to y^e Wines, duty
on.
[*51.]
By both
howses.

1645.

18 October.

G. Carpenter
petition.

officer, or the worth thereof in like good pay, as before; & all former orders for any rule or imposi^{co}n vpon wynes be invalid, & hereby repealed.

Vpon a peti^{co}n of M^r Gilbert Carpenter, for a review of the rep^risall of his shipp, p^resenting new evidence, his peti^{co}n was graunted, the case heard, & y^e evidence examined. Vpon all w^{ch} ^ ^ ^

[The remainder of this page and page *52 blank.]

[*53.]

S. Shepard ex-
cused.By y^e Deput^s.Fines to be
paid.

*M^r Samuell Shep^d, being to goe for England, at his request was dismissed from further attending on the service of y^e Cou^rte.

Itt is o^rdered, whoeuer is fyned by the Howse of Deput^s, & hath not or shall not pay his fine, though it be but sixe pence, for e^uy sixe pence as is not paid, wthin three dayes after he shall be fined, to y^e Treasu^rer appointed to receave the fines, not giving a reasonable ans^r to satisfac^{co}n, shall be called, by the Speaker for the time being, to y^e barre, & there answer his contempt for the breach of this o^rder.

R. Saltonstall
petition.

On y^e peti^{co}n of Richard Saltonstall, Esq^r, M^r Hibbens is appointed in M^r Mayhews roome, to joyne wth M^r Nowell, to examine, take, & perfect y^e accompts of the said Richard Saltonstall, in respect of M^r Dillinghm, deceased, whose executo^r he was.

By both.

Arms, order to
sell.

Itt is ordered by this Cou^rte, y^t y^e s^rveyo^r genne^rall shall hereby have power to sell all the countryes armes vnto any p^rsons inhabiting wthin this colony, & to give an accomp^t of all such armes sould by him vnto the audito^r genne^rall.

By both.

Maj^r Gibbons
sworn.

Itt is ordered, y^t Majo^r Edward Gibbons shallbe putt to take his oath, truly to discouer w^t goods belonging to y^e Canary ma^rchants are now remayning in his hands.

By both.

Committee to
examine ac-
counts.

Itt is ordered by this Cou^rte, y^t M^r Pellham & M^r Hibbings shall have power to examine the accomp^ts betweene M^r Humfry & M^r Rob^t Saltonstall, & to take order y^t if M^r Saltonstall hath receaved of M^r Humfrys estate more then was dew to him, he may make dew satisfac^{co}n before y^e ship goes for Engtd.

By both.

J. Sherman
clerke of writs.

By both.

Wines, excise
to ^ collected.

John Sherman, at y^e request of y^e toune of Water^roune, is chosen clarke of y^e writts there, instead of M^r Aires.

The Howse of Deput^s conceave themselves bound to affoord the office for the custome of wynes all just power to come to y^e certaine knowledge of w^t wynes, by any p^rson w^tsoeuer, in this jurisdic^{co}n, hath binn drawen or is begunne to be drawen by them, or any of them; therefore o^rder y^t all such p^rsons, licens^t or not, shall be su^moned to y^e next Qua^rter Cou^rte, there to give in vpon oath the truth of what they, or either of them, doth or hath donne, to y^e satisfac^{co}n of y^e said office^r, & that such as are licens^t & have not given into

y^e Q^rt^r Cou^rts the truth of w^t they have donne are contemne^rs of the lawe, 1645.
 & should be fined for their contempt thereof; this to reach to Douer & Strawberry Bancke also. 18 October.

Itt is ordered, y^t y^e five pounds, w^{ch} Mr Pellam disbursed to Cap^t Bridges in ready mony for y^e countryes occa^sions, be forthwth paid him in the best pay the Treasurer shall receive, although he should not demand the same. Mr Pellam to be paid money disbursed.

In ans^r to y^e peti^cion of Ephraim Child & Jo: Heiward, in behalf of Sam: Phillips, y^e ans^r referred to y^e next Q^rt^r Cou^rte, at Decembe^r.

*The peti^cion of Richard Saltonstall, Esq^r, Mr Symon Bradstreett, Mr Sam^l Symonds, Mr Richard Duⁿier, Mr W^m Hubbard, Cap^t W^m Hawthorne, & Mr W^m Payne. To y^e Genne^rall Cou^rte. [*54.]

Whereas yo^r peti^cione^rs, wth some others, have some thoughts of a discouery of y^e great lakes, & other lakes that lye vp in the countrye, & to build some trading howse, or howses, in free places vpon the coasts or rive^rs, wee therefore thought good, before wee putt ou^rselves to chardges, to moove this honored Cou^rte for the furtherance of this designe, to graunt vs these things following, (viz. :) First, y^t wee may be established by o^rder of this Cou^rte, as a free company of adventurers, wth liberty to admitt & advancement of the worke, & to make such wholso^m o^rders for the well mannaging of our trade as is graunted vnto such companyes in other p^ts. Secondly, y^t w^tsoeuer trade wee shall discouer wthin y^e compasse of three yeeres next ensewing, (if y^e Lord blesse our indevo^rs,) wee may enioy it solely to o^rselves, & if y^e rest of y^e company, for y^e space of twenty yeeres after such discouery made & howses built, wth full power & authority from this Cou^rte to inhibite & restraine all other p^{so}ns w^tsoeuer, during y^e terme afore^sd, y^t shall attempt any trade by vs so discouered or settled, wthout y^e warrant of the aforesaid company, or if they have or shall intermeddle therein as aforesaid, that then it may be lawfull for vs to seize vpon such goods so traded; & wee humbly desire y^e fauo^r of this Cou^rte to graunt vs yo^r letters vnder the publick seale to y^e French or any other wth whom wee may necessarily have to doe in the p^{se}cuting hereof, for the further countenancing of our p^{ce}eedings. Lastly, wee desire the like liberty & power for y^e vse of a caravan, to be advanced any way vp in the country as farr as wee shall thinke meete: provided, it shall be lawfull for any man to sett vp any trading howse & to trade in or vpon any such rivers, so as the same be not wthin 20 myles of any such trading howse as this company shall erect. Itt is intended that no trading howse shallbe erected wthin 50 miles of any planta^cion wth such like priviledg that is in our jurisdic^cion, viz., planted by the English; and it is intended y^t any man wthin our jurisdic^cion may put

Rich^d Saltonstall and others incorporated into a trading company.

By both howses.

1645. in his adventure & be of the company, so as he cometh in wthin 12 mon^{ths}:
 18 October. pvided also, that if all the Vnited Collonyes shall agree vnto & carry on a
 genne^rall trade at any time hereafter, that then this company shall surcease
 from going on in this way of p^ticular trade wth such as have like power of
 p^ticular trade, so as there be first dew satisfac^on made to this company, &
 other that shall be expended about the p^{er}secution of the said p^ticular trade.
 This peti^on is graunted, pvided that these adventurers shall not contradict
 the former graunt to M^r Hill & y^e rest.

[*55.] Whereas this Cou^rte hath found by much experience w^t damage y^e coun-
 try sustaynes for want of keeping exact accomp^{ts} of all monyes that is dew to
 the country, either by guifts, fynes, rates, legacies, & otherwise, as also of
 monyes issewing from the country vpon seuerall occa^sions, *they have thought
 fitt, this 15th October, 1645, to elect & make choyce of Left Nathaniell Dun-
 combe to be auditor genne^rall for this coun^ry, & have conferred vpon him thirty
 pounds p anⁿ during the pleasure of the Cou^rte, to be paid him by the country
 for his paynes & care that he shall take in the faithfull dischargd of his place,
 who is also to take his oath for the dew & faithfull execution of his office
 when he shall be called therevnto, who shall give an accompt thereof to this
 Cou^rte as often as he shall be therevnto required. Itt is therefore ordered by
 this Cou^rte, 1. That the said auditor genne^rall shall be carefull to place no
 debt vpon the country w^{ch} doth not rightly belong to them to pay, or w^{ch} doth
 more properly belong to any collony, toune, or p^ticular p^{er}sons to dischargd,
 and if there should be any dowbts arising herein, or in any such like payment^s,
 that he suspend the payment thereof till this Cou^rte hath determined the same.

N. Duncombe
 auditor gener-
 al.

By both
 howses.

2. That he shall examine all notes, bills, & accompts vpon w^{ch} the coun-
 try is to make payment or satisfac^on to any p^{er}son, & to agree wth them about
 the rates & prizes sett doune if they seeme to him vnreasonable, or if they
 have not before binn agreed wth, & that for the future he shall passe no bills
 to y^e Treasurer to pay except they bring p^ticular notes vnder the hands of
 such as have receaved or taken vp any thing for w^{ch} the country is to be
 chardged wth, as for fferriages, messuages, diett, & such like things, & the
 Treasu^re^r shall not allow any bill before it hath binn signed by y^e auditor,
 who is to be an æquall judge betweene the credito^r & y^e country, that wrong
 may not willingly be donne either way.

Rules & reg-
 ulations to di-
 rect him.

3. That he keepe pfect bookes of accomp^{ts} of all such things that shall
 passe thorough his hands, appertaining to y^e country, or signed by him, to be
 paid by the country, as also of all debts & dewes belonging to the country,
 either by fines, rates, guiftes, legacies, rents, customes, imposi^ons, or any

otherway; and that he may the better doe it, the Secretary, from time to time, after every session of the Genne^rall Courte, & at the end of every Qua^rter Courte, or any other, give notes of all fines or p^rfits that shall arise or appertain to y^e country, by entering of acc^ons, or any other way, that he may enter them into his booke, & take o^rder for their recouery at the times agreed vpon. And to that end power is hereby given him to su^mon & call before him all ffarme^rs or other offic^rs, that are to receave any customes, imposi^ons, or rents, belonging to the country, & to take their accomp^{ts}, & to o^rder their paying of them into the Treasu^rer, ac^oding to the times agreed vpon; also, to call before him any p^rson that is indebted to the country, at such time & place as he shall appointe, to give accomp^{ts} of such debts. He hath also power to issue out warrants to p^rsecute, by cou^rse of lawe, any such debto^r as, being found in arrerages, shall not, vpon demand, make dew satisfac^on thereof; & that the ma^rshall be ready to dischardge his place, in matte^rs of this natu^e, when the audito^r shall require him therevnto.

1645.

18 October.

4. That he take care y^t all such as bring suites & controuersyes into the Gennerall Courte shall pay y^e chardges of Courte for so long time as they shall spend in the hearing or determining thereof, *ac^oding to a former order of this Courte made to that end.

[*56.]

5. That he take notice of every rate y^t is graunted from time to time, & how it is p^rpo^rtioned to eu^ery toune, & make the Treasu^rer debto^r for so much, y^t so y^e country may have a just accomp^t; & he hath power at any time to examine or view the Treasu^ro^rs accomp^{ts}, that so his owne bookes & accompts maybe y^e more p^rfect & ready; & if any difference or difficulty should arise betweene y^e audito^r & Treasu^ro^r, or y^t the Treasu^ro^r should thinke it appertaines to y^e audito^r to looke after, that, in such cases, they joyne together to doe what they cann, that the buisnes of the country be not neglected, vntill the Genne^rall Courte shall order it betweene them.

6. That he shall take notice, & looke after wasts, streyes, goods losts, shipwracks, whales, &c, or any such things of the like natu^e, where the p^rticuler owne^rs is not knowne, & y^e country may claime a p^riviledge or co^mon of right vnto.

Stray cattle;
lost goods to
be taken care
of.

7. That he keepe by him a copy of the reco^rds & o^rde^rs of Courte, from time to time, so many of them as concerne his place, for his direc^on vppon any occa^on.

8. If messenge^rs be sent fo^rth vpon any publicke occa^on, or such like service, to be donne for the country, that he agree wth them for their paynes; or if any be to be gratified for bringing lette^rs or messuages hither, he may o^rder y^e same to the best advantage of the country, & then direct his bill to y^e Treasu^ro^r for the dischardge thereof.

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18 October.
Witness's, the
payment to be
agreed upon.

9. When any shall come to give in testimony agst malefactor's, in faithfulness to God & the country, & they require their chardges for it, y^t he may agree wth them for what is reasonable; & in all other cases wherein the country is to be at chardg about pattents, bounds, or ju^risdic^{ti}ons, that he be the husband for the country, y^t immoderate or needlesse chardge be not brought vpon the same.

10. That all the Cou^rts wthin this jurisdic^{ti}on, either the secretary or clarke of that Cou^rte, or some other whom the Cou^rte shall appointe, shall take p^{ar}ticular accompt of the chardge of that Cou^rte, & then leave a note, vnder his hand, wth him that hath p^{ro}vided for that Cou^rte, w^{ch} he is to bring to y^e auditor, to enter into his booke, before he appointe the Treasu^ro^r to discharge it.

11. That all these things, before men^{ti}oned, or any other things not yett named, that shall appertaine to the p^{ro}ffit & behoofe of the country, he hath hereby power to o^rder & take care of, suitable to y^e nature of his office; and w^hsoever shallbe so receaved, he shall appointe to be paide into the Treasu^ro^r of the country, & so to chardge him wth it, & to take receipts from him for what he receaves by his appointment, that so a cleare accompt may be kept of the chardges of the country yeerely, & what comes in, besids rates, for the discharge thereof; & all fo^rmer orde^rs for signing of bills, for payments, or o^rdering of accompts, concerning the country, is hereby repealed.

Lastly, that the auditor shall signe no bill, to be paid by the Treasu^ro^r, for any that is indebted to y^e country, till he first pay his oune debt, or defaultke, so much out of that he is to receive of the Treasu^ro^r as his debt comes to; & that the secretary or clarkes of euery Cou^rte, & all such magis^{ts} or co^mmission^rs as shall asist any office^rs, or receive any summes, &c, for the countryes vse, by speciall o^rder, shall wthin fowe^rteene dayes after estreate such fines, or other dewes, to the *audito^r, who shall send a transcript, or note thereof, to the Treasu^ro^r, that the same may be called for or levyed aco^rding to the cou^rse of lawe; & all other p^{er}sons who have formerly receaved, or hereafter shall receive, any guifts, fynes, or other dewes to the country, shall make like certificate of the same to y^e auditor wthin one month after the end of the Cou^rte, ffor such things as are passed, & wthin the time limited for time to come.

[*57]

By both
howses.
Indians to be
civilized.

This Cou^rte, being mindfull of their duties, to endeavor as much as in them lyeth, that all meanes may be vsed to bring the natives to the knowledge of God & his wayes, to civilize them as speedily as may be, & that some such course maybe taken as may cawse them to observe those rules, order, y^t notice be given to y^e reuerend elde^rs, in their seuerall shiers, of the ready

minde of this Courte, vpon mature deliberation, to enacte what shall be thought meete hereabouts, & of their desires that they would take some paynes therein, & retou'ne their thoughts about it to the next sitting of the Genne'all Courte.

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18 October.

After many agitaçõs about finishing the Castle, & setling a garrisõ there, itt is concluded & o'dered by the Courte as followeth: —

First, that the country shall allowe fifty pounds for y^e building of the cap^t howse; secondly, that the country also shall allowe one hundred pounds towards the finishing of the said worke, and this aco'ding to forme^r o'der of Courte; and for any fu'ther charges for finishing the said worke, y^e five tounes w^{ch} vnde'tooke it are to see it ffully ffinished, aco'ding to agreement. And for y^e setling of the garrison, itt is further ordered, y^t the cap^t of the Castle shall have the whole care of p'viding a sufficient gunne^r, wth tenne men, for the whole yeere, & tenne men more for eight months; & to be allowed for himself, the gunne^r, and the rest of the garrison, yeerely, the somme of two hundred and eighty pounds, to be paid him in manner following: For this p'sent yeere, one third p'te in hand, another 3^d p'te at halfe a yeeres end, and the other third p'te at the yeeres end, & for time to come to be paid in two paymen^{ts}, the one at halfe a yeeres end, the other at a yeeres end; & what hath binn already layd out by the cap^t, to have speedy satisfacçõ for the same. And likewise, itt is further ordered, that the said two hundred & eighty pounds, above mençõned, shallbe paid him in manner as followeth, viz.: Fifty two pounds by Boston, in money, bever, or shopp comõdityes; y^e one moyetye & the other moyetye in such pay as the cap^t shall accept of, as the rest of the tounes doth pay him in; twenty pound twelve shillings by Charles Toune, whose pay y^e cap^t accepts, & of Roxebury, on' hundred bushells of Indian meale, deli'ud at the Castle, & twelve shillings in Indian co'ne, or other pay; twenty pounds sixteen shillings by Dorchester, in wheat, pease, barley, rye, Indian co'ne, or ffatt catle, of each a like valew; of Cambridge, twenty pounds sixteene shillings, in the same pay. Fa'ther, it is o'dered, that the cap^t of the Castle shall have the vse of the iland to himself, and that the cap^t, wth the garrison, to be freed from all country chardges; and that a warrant be issued out of this Courte, vnde^r the hand of the secretery, to give notice to y^e gunner of this agreement made wth y^e cap^t, y^t so he may p'vide himself of some other imploymen^t elsewhere against the spring.

Castle, further
charges ex-
pended on.By both
howses.* The oath of y^e audito^r.

[*58.]

Yo^w doe sweare, y^t yow will well & truly se'rve this comõwealth in y^e office of audito^r genne'all, wherevnto yow have binn chosen, so long as yow

By both
howses.

1645.

18 October.
Auditor's oath.

shall continew in the same; yow shall keepe a true accompt^t of all things comitted to yo^r chardge; yow shall not omitt, wthout just occaſion, or delay to examine, signe, & dispatch all accomp^{ts} & bills, w^{ch} shall be brought to yow for that end, wthout taking any ffee or reward for the same, other then this Courte hath or shall allowe, & shall give vp a true accompt^t of all yo^r buisnes when yow shallbe thereto required by this Courte.

Capt. Smith, of
ship Rainebow,
and Mr Selleck
dispute.
Courts opinion.

Vpon the petiſions of Cap^t Smith, Mr Keisar, Mr Selleck, & Grosse, that this Courte would heare the case anew about the shipp Rainebowe, their request was granted, the case heard, wittnesses on all p^{ts} heard & examined, & the Courte did judge & determine as followeth:—

1. That Cap^t Smyth was chiefe commande^r of the shipp Rainbowe, & ma^rchant of the goods, & so both at his dispose.

2. That Mr Keizar had no power nor just cawse to bring away the shipp from the Barbadoes, but in so doing did breake their couenant or charty party, notwthstanding the dainge^s he p^tended he was in in regard of his oune p^{son} or the losse of the ma^rchant's goods.

By both
howses.

3. That Mr Keizar should pay to Cap^t Smyth these ensewing damages, viz.: For losse in wyne, that might have binn soald to more p^{ff}itt at Barbadoes then at Boston, the some of nynety pounds; for Smith & his mans chardges at Barbadoes coming hither, & for other defamation here & there, the some of fifty pounds.

For the negroes, they being none of his, but stolne, wee thinke meete to allow nothing.

4. That the said Keizar, & the rest of y^e saile^s, in strictnes ought to loose their wages.

5. All circumstances considered of Sellecks carriage at Piscataq, & his letter to Keizar, at Barbadoes, wee thinke it æquall that Keizar, Sellecke, & Grosse should only have their principle somes adventured paid them.

6. The shipp & p^{ceed} of y^e cargo to be deliuered as now she is to Cap^t Smyth, he paying such dew chardges as hath necessarily binn layd out about hir since his coming hither, & that she is now the better for to be judged by Goodman Chafy & Goodman Garrett, & that the shipp may be stayed till y^e order is satisfied.

[*59.]

*That Cap^t Smith shall allowe Keizar tenne pounds for threatning to pistoll him, & y^t Cap^t Smyth take his remedy for y^e seamens wages.

Iron works en-
couraged.
By both
howses.

In ans^r to y^e petiſion of y^e vnd^rtak^{rs} of the iron workes, 1. Itt was graunted by this Courte, ordered, that the vndertakers, their agen^{ts} & assignees, are hereby graunted the sole p^{ri}uiledge & benefitt of making iron & mannaging of

all iron mines & workes that now are or shall be discouered & found out, or hereafter shall be in this iurisdiction for the terme of twenty one yeeres from the former graunt, provided, that the said adventurers, their agents or assignes, doe, wthin three yeeres from the former date, vse their best endevo^rs to their vtmost skill to pfect so many of the said workes, that the inhabitants of this iurisdiction be furnished wth barr iron of all sorts for their vse, not exceeding twenty pounds p tunne; provided also, that it shall be in the liberty of any wthin this iurisdiction to be adventurers wth the vndertake^rs, if by the last day of this October they bring in their adventures, not lesse in one mans name then fifty pounds, wth allowance to the adventurers for the stocke of one thousand pounds, by them already disbursed.

2. The Courte doth heereby further graunt to the said vndertakers, their agents and assignes, in all places of wasts & lands not imp^piated to any toune or pson, that the said vndertake^rs, their agents or assignes, at all times during the said terme of twenty one yeeres, shall & may freely, & at their oune discretion, have & take all manner of wood & timbe^r to be converted into coales, or any other vses for the service of the vndertake^rs, as also all manne^r of earth, stones, turfe, clay, & other materialls for buildings & reparations of any of their workes, forges, mills, or howses built, or to be built, or for making or moulding any manner of gunnes, potts, & all other cast iron ware, & for conue^ting wood into charke coale, & also to gett, digg, & carry away of all manner of stone, iron oare, & wood of all soarts, & any other materialls or things of vse for their workes: & it is hereby also graunted to the said vndertake^rs, their agents or assignes, that they shall have free libe^rty to make all convenient wayes & passages, as also all manner of da^mes, wate^r cou^rses, sluces, ponds for water, in all wast grounds, or other conueⁿcyes to, from, & for the service of the said workes, built or to be built, not imp^piated to any toune or pson, during such time as the said workes shall continew; provided, if, by any pond, sluice, watercou^rse, damme, or any other worke, (though in land imp^piated,) they should spoile, or any wayes pⁱudice the land ap^piated to any toune or pson, the said vndertake^rs shall make due and just satisfac^on. 3. Also, the Cou^rt doth hereby further graunt to y^e said adventure^rs, their agents or assignes, in all the grounds that are or shall be *ap^priated, that the said adventurers, their agents or assignes, shall have free liberty, at all times during the terme, to digg, gett, carry away, all manner of stone or iron oare, & to make & vse all convenient wayes & sluices, watercou^rses, pooles, dammes, ponds for wate^r, & other conueniencies to, from, & for the service of the said workes through all the said grounds that are or hereafter shall be imp^piated, (except howses, orchards not exceeding three ackers, & yards,) giving such due & full recom-

1645.

18 October.

[*60.]

1645.

18 October.

Iron works,
land grant^d
for encourage-
ment.

pence for the same to the owne^{rs} thereof for the time being as three indifferent men shall adiudge, whereof one to be appointed by the said Cou^{te} at the next gennerall meeting after the vnde^rtake^{rs}, their agen^{ts} or assignes, shall make or vse any of the said wayes or watercou^{rs}es, or other p^{ar}ticulars therein men^{ti}oned for the services aforesaid, & one other by the owne^r of the land for the time being, & the third by the vndertakers or adventure^{rs}. 4. The Cou^{te} hereby doth further graunt vnto the said adventure^{rs}, & to their heires and assignes foreuer, so much land now or hereafter to be in this i^{ur}isdic^{ti}on, as aforesaid, as shall containe in sixe places, three miles square in each place, or so much in quantity as containeth three miles square, not exceeding fower miles in length, to be sett out in such places & parcells as the said vndertake^{rs} or their agen^{ts} shall make choyce of, not being already imp^{ro}priated as aforesaid, vpon w^{ch} said land the said adventurers shall have free libe^rty, & hereby doe vnde^rtake that wthin the said terme of ^ yeeres, to search, sett out, & find convenient places wthin the said compasse of land, for the building & setting vp of sixe forges or furnaces, & not bloomaryes only, or so many more as they shall have occa^{si}on for, for the making of iron as aforesaid, w^{ch} they shall (the iron stone & other materialls p^{ro}ving p^{ro}per & fitt for the making of iron as aforesaid) build & sett vp wthin the terme aforesaid, provided that y^e Cou^{te} may graunt a planta^{ti}on in any place where the Cou^{te} doth thinke meete, the adventurers or their agents there residing having first notice thereof, & not making choyce of the same for p^{ar}te of the land to be sett out & graunted to them, for the designe of planting the said iron workes & making iron as aforesaid; and itt is further graunted & ordered, that what quantity of iron of all sorts & quallities the said adventure^{rs}, their agen^{ts} or assignes, shall make more then the inhabitant^s shall have need & vse of for their se^rvise, to be bought & paid for by the said inhabitants as aforesaid, *they shall have free libe^rty to transport the same by shipping to other p^{ar}ts or places of the world, & to make sale thereof in what way & place the said adventure^{rs} shall please, for their best advantage, *for their best advantage*, provided they sell it not to any p^{er}son or state in actuall hostillity wth vs.

[*61.]

6. Itt is further graunted & ordered, that the said vnde^rtake^{rs}, & agents, & servants shall, from the date of theis p^{re}sent^s, for euer have & enioy all libe^rties & immunityes w^hsoeuer, p^{re}sent or to come, æquall wth any in this i^{ur}isdic^{ti}on, according to the lawes & orde^{rs} thereof for the time being, & according to the rights & p^{ri}uiledges of the churches. 7. Itt is also graunted that the vnde^rtake^{rs} & adventurers, together wth their agen^{ts}, servant^s, & assignes, shallbe, & are heereby, free from all taxes, assessmen^{ts}, contribu^{ti}ons, & other publicke chardges whatsoeuer, for so much of their stocke, store, or goods as shallbe

employed in & about the said iron workes, for & during the terme of ^ 1645.
 yeeres yett to come from the date of theis p^{re}nt^s. 8. Itt is also hereby further
 graunted & ordered, that all such clarkes & workemen, as myne^s, founde^s,
 fyners, hammer men, & collyers, necessarily employed, or to be employed, in
 & about the said workes, built or to be built, for any the services thereof, shall,
 from time to time, during the terme of ^ yeeres, be & hereby absolutely
 freed & dischargd of & from all ordinary traynings, watchings, &c; but that
 euy pson at all times be furnished wth armes, poude^r, shott, &c, according to orde^r
 of Courte. 9. Lastly, itt is ordered by y^e Courte, that in all places where any
 iron worke is sett vp remote from a church or congregation, vnto w^{ch} they
 cannot conveniently come, that the vnde^rtake^rs shall pvide some good meanes
 whereby their familyes maybe instructed in the knowledge of God by such as
 the Courte or standing councell shall approve of.

18 October.

Workmen free
from trainings.

Itt is o^rdered, y^t M^r Rawson shallbe allowed out of the treasu^{ry} the so^{me}
 of twenty markes, for the se^rvise he hath donne in keeping & transcribing
 the reco^rds of the Howse of Depu^{ts} for the time past.

Clerk compen-
sated.
Voted.

[Page *62 is blank.]

**Att a Genne^rall Cou^rte of Elec^{ti}ons, begunne the 6th of May, 1646.* 1646.

Elected by the freemen for the yeere ensewinge: —

6 May.
[*63.]

John Winthrop, Sen., Esq^r, Go^unr,
 Thomas Dudley, Esq^r, Dep^t Go^unr,

John Endecott, Esq^r, Asistant, & S^rg^{nt} Major Genne^rall,
 He^rbert Pellam, Esq^r, Asistant,
 Rich Bellinghm, Esq^r, Asistant,
 Rich Saltonstall, Esq^r, Asistant,
 John Winthrop, Jun^r, Gen^t, Asistant,
 Symon Bradstreet, Gen^t, Asistant,
 Increase Nowell, Gen^t, Asistant & Secreta^{ry},
 W^m Hibbings, Gen^t, Asistant,
 Tho: Flynt, Gen^t, Asistant,
 Sam: Symonds, Gen^t, Asistant,
 W^m Pinchon, Gen^t, Asistant,

M^r Rich Russell, Treasu^{er}.

John Endecott, Esq^r, S^rg^{nt} Major Gennerall, } Co^missione^s for the
 He^rbert Pellam; Esqu^r, } Vnited Collonyes.

1646.

6 May.

Symon Bradstreet, Gen^t,
Thomas Dudley, Esq^r,

{ had the next votes as reserves to supply the place
or places of one or both of the commissioners of
the United Colonies, if by any providence one
or both should be hindered, that they could not
serve.

The deputies sent from the several townes to serve at this Generall Courte
are —

Salem: Cap^t W^m Hathorn & M^r Hen: Bartholmew.
Charles Towne: M^r Russell, M^r Hill, & M^r Willoughby.
Dorchester: Lef^t Atherton & Jo: Wiswell.
Boston: Major Gibbons & Cap^t Keayne.
Roxbury: Jo: Johnson & W^m Parks.
Water Towne: M^r Rich Broune & Ephr: Child.
Lynn: Cap^t Rob^t Bridges & M^r Lawton.
Cambridge: M^r Sparhawk & Edw. Goffe.
Ipswich: M^r Hubbard & M^r Whiple.
Newbery: M^r Rawson.
Weimouth: Tho: Dyer.
Hingham: M^r Allen & Josh: Hubbard.
Concord: Lef^t Willard.
Dedham: Lef^t Lusher.
Salisbury: M^r Rich Dummer.
Hampton: W^m English.
Rowley: M^r Carleton & M^r Brigham.
Braintree: Pect^r Brackett.
Sudbury: Walter Haymes.
Dover: W^m Waldron, Edw: Starbuck.
Strawbery Bancke: ^
Gloicester: ^
Woodbourne: Lef^t Johnson.
Wenham: M^r Auditor.

Cap^t W^m Hathorne is chosen Speaker of the Howse of Deput^s for this session.

[*64.] * **I**TT is ordered, by y^e authority of this Courte, y^t e^vry constable wthin our jurisdiction hath by vertue of his office & place ^ ^ ^

[*65.] * Itt was resolved, vpon the question, & that by vote, notwithstanding all the reasons alledged, that the Howse of Deput^s should continew in their setting aparte & acting a p^{te} from the Magis^{ts}, according to the former order, as the most suitable to their conditions. Voted.

Voted.
The two
houses to be
seperate.

The town of Concord, p^senting Lef^t Symon Willard to this Courte, as

him whom they have chosen to be their capt̃, desiring this Courts approbation of their choyce & confirmation, this Courte graunts their request, accepts of their choyce, & confirms the said Simon Willard as their capt̃; and, further, on their request, graunts, y^t Timothy Wheeler shall be their ensigne. By both.

1646.

6 May.

Officers chosen in Concord.

On the request of the toune of Salisbury, Ralfe Blesdall is appointed by this Courte to keepe the ordinary there, & hath liberty graunted him to drawe wine. By both.

The widdowe Hawkings is denyed to have any liberty to come into this jurisdiction, being knoune to be a daingerous pson. By both.

Widow Hawkings forbiding to return.

The toune of Gloucester is fyned five pounds, for that they have not made retoune of their choyce of a deputy to se'rve at this Genne'rall Courte. By both.

Gloucester fined & remitted.

In ans^r to the petition of se'all inhabit^{ts} of Marblehead, for redresse of many great abuses committed on their inheritances by seuerall fishermen, itt is heereby declared, & ordered, that howsoever it hath binn an allowed custome for fo'reigne fishermen to make vse of such harbo's & grounds in this country as have not binn inhabited by English, & to take timber & wood at their pleasure for all their occasions, yett, in these ptes, w^{ch} are now possessed, & the lands disposed in ppriety to seuerall townes & psons, & that by his maj^{ts} graunte vnder the greate seale of England, itt is not now lawfull for any pson, either fishermen or others, either fo'reine's or of this country, to enter vpon any lands so appiated to any toune or pson, or to take any wood or timber in any such places wthout the licence of such toune or ppriety; & if any pson shall trespasse herein, the toune or ppriety so iniuried may take their remedy by action, or may psecute their goods or other interest, opposing by lawfull force ag^t such vnjust violence; provided, that it shallbe lawfull for such fishermen as shallbe employed by any inhabitants of this jurisdiction, in the seuerall seasons of the yeere, to make vse of any of o^r harbo's, & such lands as are neere adjoyning, for the drying of their fish, & othe^r occasions, as also to take such timber or fierwood as they shall have necessary vse of for their fishing seasons, where it maybe spared, so as they make dew satisfaction for the same to such toune or pprieties. By both.

Marblehead incroachments, Courts opinion on.

On the hearing of y^e excuse y^e toune of Gloucester made, for their not retouning the choyce of their deputy to this Courte, it being found sufficient, their fine of five pounds for their neglect was remitted. By both.

Mr W^m Waldron engaged himself, for his owne chardge, for this Courte, & also when the accompt is pfected, of what is dew to the country for the depu^{ts} of Doue^{rs} diett for seuerall Courts past, that it shallbe suddainly

1646.

6 May.

engadged for, & dischargd in ma^{ch}antable pipestaves, either in y^e river or at Boston, at y^e currant p^{ri}ce in either place, at or befo^r y^e last of July next, so as y^e Cou^{te} issew out a warrant for y^e gathering vp thereof amongst them.

[*66.]

Employment
of Indians al-
lowed.

*The order fo^rbidding the entertayning of any Indian into se^rvise, wth-out allowance of the Cou^{te}, is hereby repealed, there being more vse of en- cou^{ad}gement^t thus then otherwise. By both howses.

Exeter inhabit-
ants petition.

In ans^r to y^e peti^{ti}on of seuerall inhabitant^s of Exetur, itt is hereby ordered & graunted, y^t Anthony Stanion, Samuel Greenfeld, & James Walle are hereby authorized wth full power to end smale cawses, vnder twenty shillings, acco^ding to lawe; & y^t M^r Samuell Dudley, Edward Rawson, & M^r Edward Carleton are appointed a co^mitte^e to lay out the bounds of Exeter, next to Hampton, & so round about them; provided, there be no intrenching on y^e bounds of y^e patten^t of y^e lo^rds & gen^t men^{ti}oned in y^e patten^t of Swampscoate, or on any graun^t so^rme^rly made to Douer. By both.

Rich^d Hollins-
worth petition.

In ans^r to y^e peti^{ti}on of Rich Hollingswo^rth, for a remitting of y^e 4^t fyne imposed on him by the Q^rte^r Courte, at Salem, for some miscarriage of his, the Cou^{te} thinkes it not meete to graunte his request. By both.

M^r Gardner,
petition of.

In ans^r to y^e peti^{ti}on of M^r Gardine^r, itt is graunted he should be fully satisfied for his paynes in p^{ro}secuting the Cou^{te} o^rder, about salte peeter, by the inhabitants of Ipswich. By both.

E. Rawson to
end small mat-
ters in Newbur-
y.

Edward Rawson, M^r Woodman, & Hen^ry Shorte are appointed, & hereby authorized, to end smale cawses, at Newbur^y. for the yeere ensewing, acco^ding to lawe. By both.

W^m Mellows
clerk of the
writs, Charles-
town.

Att y^e request of y^e deputies of Charles Towne, M^r W^m Mellows is ap- pointed to be clarke of the writts there, in the roome of M^r Abraham Palmer. By both.

Petition
against Anna-
baptist & An-
tinomians.

In ans^r to a peti^{ti}on, subscribed by seventy seven inhabitant^s of this col- lony, humbly requesting all dew strengthening & keeping in fo^rce such lawes as have binn made by this Cou^{te}, for the p^{re}venting y^e enc^{re}ase of many dain- ge^rous ero^rs, Annabaptist^s, Antinomians, &c, as also for the dew punishment thereof, the Cou^{te} gratefully accep^ts of their acknowledgements, graunting their request in y^e continuance of those wholesome lawes. By both.

19th 16: 9th remit-
ted to M^r
Stoughton.

M^r Stoughton
remitted a bal-
ance due from
husband de-
ceased.

In ans^r to a mo^{ti}on, made by Majo^r Sediuke & M^r David Yal^z, on y^e be- halfe of M^rs Stoughton, itt is ordered & graunted that M^rs Stoughton shall be remitted y^e so^me of nyneteene pounds & sixteene shillings & nyne pence, w^{ch} was dew on y^e not payment of y^t p^{re}te of y^e cuntryes stocke, w^{ch} hir late worthy husband left vnpaid at his decease, none reaping any benefitt of this graunt but M^rs Stoughton only. By both.

Vpon the mo^on of Left Tory to be dischardged from exercising y^e 1646.
military company at Hingham, his request is graunted, & y^e care of y^e com-
pany left to Major Edward Gibbons, till new elec^on be made & approoved of
by this Cou^rte. By both.

Agreed vpon & voted by the Howse of Deput^s, y^t whosoeuer is cast in
the case of Mr Dunmer compl^t, & y^e towne of Newbery, def^t, shall beare the
chardge of the Courte. Voted.

*The auditor genn^ell hath hereby power graunted him, & is forthwth
required to goe into all the howses or cellars he knows or suspects any wyne
to be that is not entered into his booke acording to order, & the same to seaze,
distreyn^e, & take possession of for the vse of the country; & such wynes to
marke & dispose of to y^e countryes vsc, so as maybe forthcoming; & all
constables & other officers are hereby required to asist & aide him in y^e dis-
chardge of his duty, acording to order, taking satisfac^on for what is entered
as y^e lawe requireth, & giving y^e ownors of such wynes as are confiscate, &
not entered, notice hereof, that they may appeare before this Cou^rte, to shew
cawse why their wynes should not be confiscate. By both.

On y^e mo^on of Mr Leader, for y^e buying of some of the countryes de-
fective gunnes, itt is ordered & graunted, y^t he shall have them on such prize,
& paying so for them, as y^e s^rveyo^r genn^ell & Cap^t Davenport^e shall sett the
prize on them. By both.

Cap^t Keayne being fined for his absence at y^e time appointed, after sen-
tence pfessing he would pay five pounds assoone as 6^l, for wth affront he was
fined twenty shillings. Voted.

In ans^r to a peti^on of Joseph Jenkins for liberty to make experience
of his abillities & inventions for y^e making of engines for mills, to goe wth
water, for y^e more speedy dispatch of worke then formerly, & mills for y^e mak-
ing of sithes & other edged tooles, wth a new invented sawemill, that things
may be afforded cheaper then formerly, & that for fowerteene yeer^{es} wthout dis-
turbance by any others setting vp the like inventions, that so his study &
costs may not be in vayne or lost, this peti^on was graunted, so as power is
still left to restrayne y^e exporta^on of such manufactures, & to moderate y^e
prizes thereof if occa^on so require. By both.

Itt is ordered, y^t y^e Indian who releived our men & pilated them home
after La Tour had putt them on shore, shall have a long coat & 2 pounds of
tobacco, by the Treasurer to be p^rvided, & satisfac^on made for his transporta-
oⁿ home againe. By both.

Ordered, y^t Cutshamakin hath liberty to buy three pounds of swann
shott, leaving his warrant behind him wth y^e p^rty he buyes it of. By both.

6 May.
Left Tories dis-
chardge frō
Hing^m com-
pany. Lieut.
Torrey pe-
tition.

Chardge of y^e
Court to be p^d
by y^e delin-
quents.

[*67.]

Audi^o gen^e
power.

Contradicens
to y^e order:
Major Ed. Gib-
bons, Francis
Willowby,
Rich: Russell,
W^m Parks.

Damaged guns
to be prized.

Capt. Keayne
fined.

J. Jenkins pat-
ent granted for
mills. Rather
Jenks: see p.
460.

Indian remu-
nerated.

Cutshamakin
has leave to
buy shot.

1646.

6 May.

Hawthorne &
Lathrop to be
capt. and lieut.

On y^e p^sentment of Cap^t Traske & Cap^t Hawthorn, by the deput^s of Salem, for y^e Courte to accept & confirme one of them for cap^t, & also S^rg^{nt} Lathrop & Peeter Wolfe, for one of them to be accepted of as lef^t, the Cou^rte accepts & confirms Cap^t Hawthorne in y^e place of cap^t there, & S^rg^{nt} Lathrop as his lef^t. By both.

Sudbury to be
free in making
salt petre.

Itt is ordered, y^t y^e toune of Sudbury from henceforth shall be freed from y^e taking further care about salt peeter howses, any order notwithstanding, in ans^r to their peti^{ti}on. By both.

Cap^t Pelham, W^m Ward, & Edmōd Rise are appointed & authorised he^rby to end smale cawses in y^e toune of Sudbury, acording to law. By both.

[*68.]

Tho^s White &
widow Swift,
Courts opinion
of.

*John Bridge, Lef^t Mason, & Edmond Goodenow, bringing into this Cou^rte their determina^{ti}on of the difference betweene Tho^s White & y^e wyddowe Swift, they finding y^t Tho^s White hath runne out in just chardges on y^e wyddowe Swifts land ye so^me of 9^t 19^s 8^d, besides the breaking & improoving of land, for y^e w^{ch} they judge & determine the p^sent crop that is now in y^e ground will be full satisfac^{ti}on, & find fiffteene pounds p^{ri}ncipall debt; all y^e chardges, &c, coming to 24 : 19 : 8, y^e w^{ch} the agent of y^e wyddowe Swift refuseth to pay; itt is ordered, therefore, y^t the land henceforth shall remayne y^e inheritance of y^e said Tho^s White & his heires fore^{ev}r from y^e date hereof. By both.

John Bourne
to keep cook
shop in Salem.

John Bou^rne, of Salem, is, on his & seuerall other inhabitants requests, graunted license to sett vp a cookes shop in Salem, selling no beere above a penny a quarte. By both.

John Moulton,
petition of.

In ans^r to y^e peti^{ti}on of Edward Colcord & John Moulton for releife ag^{nt} y^e vnæquall stinting of y^e co^mons at Hampton, itt is referred to M^r Samuell Dudley, Edward Rawson, M^r W^m Payne, & M^r Carlton, & they have power hereby to examine wittnesses on oath, & search into all the distrac^{ti}ons there; making reporte of w^t they shall doe or find in the p^{ri}mises to y^e next sitting of this Courte. By both.

M. Powell to
keep an ordi-
nary.

Att the request of the toune of Dedham, Michael Powell is graunted licence to keepe an ordinary, & sell wyne there. By both.

R. Turner to
have £50.

Itt is ordered, y^t Rob^t Tu^rne^r shall have fifty pounds paid him out of y^e peague y^t is to come from y^e Narrowgansetts vpon his accomp^t. By both.

H. Pritchard,
ceased from
training.

M^r Hugh Pritchard, on his request, is graunted a dismission from attending Roxbury company vpon ordinary training dayes for y^e space of one whole yeere. By both.

R. Saltonstall
granted 2000
acres of land.

M^r Rob^t Saltonstall is graunted his peti^{ti}on, & hath two thousand one hundred & twenty ac^{rs} of land allowed him, about Coⁿecticut Falls, provided he accep^t it, as a p^{te} of that p^{ro}ce^{ss}on dew to S^r Richard Saltonstall, in

this jurisdiction, & formerly graunted him, but no place yett assigned. By **1646.**
both.

In ans^r to y^e petiçôn of Rob^t Whitman, to be freed from watching, by
reason of weaknes of body, itt was determind y^t this case, & such like,
should be referred to y^e inferior Cou^rts, to w^{ch} they pp^{ly} belong. By both.

6 May.
R. Whitman,
petition of.

In ans^r to y^e petiçôn of Elizabeth Fairefeild, for y^e discharging hir hus-
band from y^t p^{te} of y^e censure inflicted on him for his notorious evils, of
wearing y^e rope about his necke, y^e Deput^s could not consent y^t any p^{te} of his
censure should be remitted him. Voted.

E. Fairfield,
petition in be-
half of her hus-
band.

*In ans^r to a petiçôn, subscribed by Martyn Saunde^s, Peeter Brackett, [*69.]
Hen: Addams, & a 11 more, of Braintree, for y^e pswading or forcing of Thom-
as Gilbert either to forbear feeding y^t iland of vpland, w^{ch} certaine med-
owes of theirs environes, or elce to lett it on reasonable termes to y^e peti-
çôn^s, itt was dete^mined, that an o^rde^r of Courte, made at a Genne^rall Cou^rte,
in y^e yeere 1643, ^ ^

Braintree, in-
habitants peti-
tion.

In ans^r to y^e petiçôn of James Heiden, wth his p^{re}ne^r ferrymen, of Charles
Towne, & for y^e satisfacçôn of all other ferrymen, y^t there maybe no mistake
who are freed, or should be passage free, & how long, itt is hereby declared,
y^t o^r honno^red magis^{ts}, & such as are, or from time to time shallbe, chosen to
to serve as deputyes at y^e Genne^rall Cou^rte, wth both their necessary attend-
an^{ts}, shallbe passage free ouer all ferryes; & by necessary attendants, wee
meane a man & a horse, at all times during the time of their being magis^{ts} or
depu^{ts}; but ne^ur intended all the families of either at any time, & y^t y^e
o^rde^r neither expresseth nor intendeth any such thing. By both.

Charles
Charlestown
ferrymen peti-
tion.

In ans^r to y^e petiçôn of W^m Ivory, itt is ordered, in regard y^e petiçôn^r
alleadgeth his long absence from home, & publicke se^rvice p^ormed where he
then abroad, that y^e millitary offic^{rs} of y^e east regiment shall convent him to their
next meeting, & shall then heare & examine his allegations, & acco^rdingly to
p^oceede aco^rding to lawe, & the execution to stay in y^e meantime. By both.

Att y^e Courte, at Salem, held y^e 18th of y^e 12^m, 1645, W^m Witter, of
Lynne, was p^osented by y^e grand jury, for saying, y^t they who stayed whiles
a child is baptized doe wo^rpp y^e divell. Hen^{ry} Collenc & Math West
dealing wth him thereabou^{ts}, he further sayd, y^t they who stayed at y^e bap-
tizing^r of a child did take y^e name of y^e Father, Sonne, & Holy Gost in
wayne, broake y^e Saboath, & confessed & justified y^e former speech. The
sentence of y^e Courte was, an iniunction y^e next Lords day, being faier, y^t
he make publicke confession to satisfacçôn in y^e open congregation, at Lynne,
or elce to ans^r it at y^e next Genne^rall Courte; & conce^rning his opinion, y^e
Court exp^ost their patience tow^rds him, only admonishing him till they see

W^m Witter pre-
sented by G.
Jury.

1646.

6 May.

if he continew obstinate. Y^e said Witter not appearing here according to order, itt is ordered, y^t y^e major gen^{ll} take order for his appearance at y^e next Courte of Asistan^{ts}, at Boston, there to ans^r, & to be p^{re}ceeded wth according to y^e meritt of his offence.

D. King, petition of.

In ans^r to y^e peti^{ti}on of Daniell King, itt is ordered, y^t y^e peti^{ti}one^r shall appeare before y^e military offic^{rs} of y^e east regiment, at their next meeting, who shall examine his allegations, conce^{rn}ing his not appearance at dayes of trayn^{ing}, to p^{er}forme such service as might have binⁿ imposed on him, & to p^{re}ceed wth him according to lawe; but for time to come, this Courte doth discharge him, in regard of his bodily infirmity, from attendance vpon ordina^{ry} traynings, for any se^{rv}ice in armes. By both.

Tobacco not to be used abroad, to prevent fires in the woods.

Forasmuch as great harmes hath binⁿ donne by fires, w^{ch} have binⁿ kindled in y^e feilds abroad at vnseasonable times, & have binⁿ occasioned by taking of tobacco, & much time thereby vnprofitably expended, itt is therefore ordered, y^t no p^{er}son, after y^e end of y^e 4th m^o next, shall take any tobacco in any com^{on} ground, or feild inclosed, or yards, or other open place out of doors, on paine of two shillings for e^{er}y such offence, besides recompence of all dammages, according to forme^r order; provided, ne^{er}theless, y^t it shall be lawfull for any man y^t is on his journey, remote from any howse five miles, to take tobacco, so, y^t the^{re}by he setts not y^e woods on fy^{er}, to y^e damage of any man. By both.

[*70.]

*W^m Hersey, of Hingham, was denyed his request of having his fyne remitted him. By both.

A. Beck allowed pay for tending sick prisoners.

Itt is ordered, y^t Alexander Becke, having forme^rly binⁿ at great chardge wth some infirme p^{er}sons in y^e p^{er}ison, & since y^e keep^{er}s death hath kept Burcham & Redman, being both sicke, & so continewing, that y^e audito^r genne^{ll} examine his accomp^t, & orde^r his p^{re}sent satisfac^{ti}on, & he discharged of y^e said prisone^{rs}, being he is not able further to maintayne them. By both.

Dedham bounds laid out.

In ans^r to y^e peti^{ti}on of y^e toune of Dedham, itt is graunted & ordered, y^t Cap^t Atherton lay out y^e bounds, & settle y^e 150 ac^s y^e honno^{red} Deput^{ee} Gou^{er}n^r gave out of his farme to y^e toune of Dedham. By both.

Committee respecting powder.

Sr^g^{nt} Major Genn^{ll} Endecott & M^r Willowby are appointed a close com^{it}tee, to whom y^e su^{re}veyo^r gen^{ll} shall discover wth y^e store of y^e coun^{tr}yes powde^r is, & in what condi^{ti}on it is in, y^t they may make reporte to y^e Courte what they conceave is to be donne for y^e renewing thereof, & how. By both.

Dover conference of Deputies on holding Courts.

On conference wth y^e deputy of Dover, & his mo^{ti}on on y^e behalfe of y^e inhabitant^s of Piscataq, the Courte conceaves y^t by y^e agreement wth y^e

inhabitan^{ts} of Piscataq, no Courte is to be kept there otherwise then at Salem & Ipswich, w^{ch} cannot be wthout one magis^{ts}; 2^{ly}, that y^e impost vpon wyne, being a publicke chardge, is not to be required of them, but it is to goe to y^e defraying of their owne chardges of Courts, &c. By both.

1646.

6 May.

Whereas Cap^t Keayne was, by y^e Howse of Deput^s, fined twenty shillings, vpon his acknowledgm^t of his miscarriage therein, itt is remitted him.

Whereas this Courte hath passed an order for y^e free passage of o^r hono^{red} magis^{ts} wth y^e deput^s of the Genn^l Courte, & the necessary attendance of both as in y^e order appeareth, and y^t y^e ferrymen of Charles Toun may not loose by the transportacōn of them abovesaid, wth grand jury, petty jurymen, prison^{rs}, keep^{rs}, &c, y^e Deput^s have by a comittee agreed wth y^e said ferrymen for y^e time past to be allowed fower pound p anⁿ since y^t order, & sixe pounds p anⁿ for y^e time to come, y^e payment to be made & allowed annually by y^e Treasur^{er}. By both.

Charlestown
ferrymen al-
lowed £6 p^r
ann. for ferrage
of Deput^s and
others of the
Court.

Itt is ordered, on y^e request of y^e toun of Douer, that Mr George Smith shall be one of the three men authorized by this Courte for y^e ending of smale matters, and y^t Doue^r hath y^e same power of reco^ding sales of land as Ipswich hath, & y^t W^m Waldron be recorder there till y^e Courte take further order herein. By both.

Dover, G.
Smith to end
small matters.

The order made y^e 7th of y^e 8 m, noubred in y^e margent of y^e Courte booke 455, is hereby repealed, & from henceforth all bargaines made for mony shallbe pformed & paid in mony, the aforesaid order notwithstanding. By both.

Bargains made
for money to
be fulfilled.

Cap^t Wyggin, Mr Smith, & Mr Ambrose Gibbons are appointed comi^sion^s to asist y^e magis^{ts} at y^e Courte at Piscataq. By both.

*Forasmuch as delayes in executing justice is daingerous to any state, & whereas many offendo^s are punished only by fynes or pecuniary mults & penalties, w^{ch} if there be delay or neglect in offic^{rs} y^t such fines or penalties are not dewly levyed, then sinne is vnpunished, & y^e name of God may thereby suffer, itt is therefore oordered, by y^e authority of y^e Genne^{ll} Courte, y^t any or e^{lly} offendo^r y^t shallbe fyned for y^e breach of any penall lawes, such pson or psons so offending shall fo^rthwth pay his or their fyne or penalty, or put in security speedily to doe it, or els to be imprisoned or kept to worke till it be paid, y^t no losse may come to y^e comōwealth; provided also, y^t if y^e magis^{ts} shall thinke meete to respitt any fine or penalty for a season, yett when its dew, & what other fines or debts be already dew to y^e country, y^e ma^rshall shall for the time being shall take his oath to be faithfull in y^e doing y^e deuty of his place in levyng & reco^uring of y^e same, or els to be himself liable to such a fyne as any Courte of justice shall impose on him for his neglect. By both.

[*71.]

Law for speedy
punishing
crimes.

1646.

6 May.
Wid^w Luther,
petition of.

In ans^r to y^e petiçōn of y^e wyddow Luther, itt is graunted & ordered, y^t y^e marchan^{ts} being allowed so much as they have disbu^sed for y^e redemption of hir sonne, y^t y^e wyddow Luther shallbe satisfy^d what is behind of hir husbands wages on accomp^t, provided this shall be no p^sident in any y^e like case w^{ch} may fall out hereafter, but y^t on cleare knowledge of y^e sea custome & y^e justice thereof, y^e Courte may determine as they shall find agreeable to lawe & justice. By both.

Salem, order
respecting
powder.

Whereas y^e toune of Salem stands chardged wth sixe barrells of y^e countyes powder, & had but 4 graunted them to keepe there as a magazine for y^e toune, on their request the othe^r two ba^rlls is graunted them to keep, as before, so as they be deliuered to y^e cheife millitary offic^{rs}, there to be in a constant readines at or befo^e y^e 8th of July next. By both.

H. Gunnison
allowed for
Deputies diet.

Itt is ordered, y^t Hugh Gunnison shallbe satisfyed for y^e diett he expended on y^e deput^s by y^e first either out of y^e custome of wyne or out of y^e wampompeague y^t is to come from y^e Narrowgansetts when y^e bills y^t are chardged therevpon are satisfyed, & y^t his servan^{ts} be allowed twenty shillings for their service; and y^e se^rvan^{ts} of James Penn are allowed twenty shillings for their like service, to be paid out of y^e treasury. By both.

R. Dummer,
petition of.

In ans^r to y^e petiçōn of M^r Richard Dummer about a difference betweene him & M^{rs} Howe, John Stone, & Nathaniell Tredaway, the p^{ty}es appearing before y^e magis^{ts}, John Sherman did vnde^rtake for M^{rs} Howe & John Stone y^t y^e whole case should be referred to M^r Richard Brounc, M^r Brian Pendelton, of Watc^towne, & Cap^t Athe^rton as vmpiere; that they should submitt herevnto y^e arbitrement to be made & ready to be o^rdered to y^e p^{ty}es in writing before the last of the next month. M^r Dummer for himself submitts thereto, & y^e said comission^{rs} shall have power to examine wittneses on oath if they see it needfull.

[*72.]

Observations
on the subject
of baptism.

*The right fo^rme of church gou^rnment & discipline being a good p^{te} of y^e kingdome of Christ vpon earth, y^e setling & establishing thereof by y^e joynt & publicke agreement & consent of churches, & by y^e sanction of civill authority, must needs greatly conduce to y^e honno^r & glo^{ry} of o^r Lord Jesus Christ, & to y^e setling & safety of church & co^monwealth where such a duty is dewly attended & p^{er}formed; & inasmuch as times of publicke peace, w^{ch} by y^e me^{er}cy of God are vouchsafed to these plantations, (but how long y^e same may continew wee doe not know,) are much more co^modious for y^e effecting of such a worke then these troublesome times of warre & of publicke distur^bances thereby, as y^e example of o^r deare native cuntrye doth witnes at this day, where, by reason of y^e publicke occa^sion & troubles of y^e state, y^e refo^rma^cion of religion & y^e establishing of the same is greatly retarded, & at the best

cannot be perfected wthout much difficulty & dainger, & whereas diſſe of o^r Xtian countrymen & freinds in England, both of the ministry & othe^rs. considering y^e state of things in this country in regard of peace & othe^rwise, have sundry times, out of their brotherly faithfulness, love, & care of o^r well doing, earnestly by lette^rs from thence solicited & called vpon vs y^t wee would not neglect y^e opp^rtunity w^{ch} God hath putt into our hands for y^e effecting of so glorious & good a worke as is men^coned, whose adūtisemen^{ts} are not to be passed ouer wthout dew regard had therevnto, & considering wthall y^t thorough want of y^e things here spoken of, some diffe^rences of opinion & p^ractise of one church from anothe^r doe already appeare amongst vs, & othe^rs, if not timely p^rvented, are like speedily to ensue, & this not only in lesse^r things, but euen in p^rnt^s of no smale consequence, & ve^ry materiall to instance, in no more but only these about baptisme & p^rsons to be reēd thereto, in w^{ch} one p^rticuler the ap^rhen^cōns of many p^rsons in y^e country are knoune not a litle to differ; for whereas most churches doe only such child^ren whose nee^rest paren^{ts} are one or both of them settled member^s in full comūnion wth one or othe^r of these churches, therebe some who doe baptize y^e children if y^e grandfather or grandmother be such member^s though *though* the imēdiate pa^rents be not, & oth^rs, though for avoyding of offence of neighbo^r churches, they doe not as yett actually so practize, yett they doe much encline thereto, as thinking mo^re libe^rty & latitude in this point ought to be yeelded then hath hether^eto binn donne; & many p^rsons living in y^e country, who have binn member^s of the congregations in England, but are not found fitt to be receaved at y^e Lo^rd^s table here, the^rbe notwthstanding considerable p^rsons in these churches who doe thinke that y^e children of these, also, vpon some condicōns & terms, may & ought to be baptized; likewise on y^e othe^r side there be some amongst vs who doe thinke that w^tsoever be y^e state of y^e paren^{ts}, baptisme ought not to be dispenced to any infan^{ts} w^tsoever, w^{ch} various ap^rhen^cōns being seconded wth practizes aco^rding the^reto, as in p^rte they are already, & are like to be more, & must needs, if not timely p^rvented, begett such differences as willbe displeasing to y^e Lo^rd, offensive to oth^rs, & dainge^rous to o^rselves.

1646.

6 May.

*Therefore, for y^e fu^rther healing & p^rventing of y^e fu^rther groweth of y^e said diffe^rences, & vpon the other grounds, & for y^e othe^r ends afore men^coned, and although this Cou^rte make no quæstion of their lawfull power by y^e word of God to assemble the churches, or their messenge^rs, vpon occa^sion of counsell for any thing w^{ch} may conce^rne y^e practize of the churches, yett because all member^s of the churches, though godly & faithfull, are not yett clearly satisfyed, itt is the^refore thought expedient for y^e p^resent occa^sion not to make vse of that power, but rather hereby declare it to be y^e desire of this

[*73.]

Public convention of ministers and elders to meet at Cambridge.

1646.

6 May.

present Genne^rall Cou^rte, y^t there be a publicke assembly of the elders & other messenge^rs of y^e seuerall churches wthin this iurisdic^{ti}on, who may come together & meete at Cambridge, vpon the first day of Septembe^r now next en-
sewing, there to discusse, dispute, & cleare vp, by the word of God, such questions of church go^vernment & discipline in the things aforementioned, or any other, as they shall thinke needfull & meete, & to continew so doing till they, or y^e majo^r p^{te} of them, shall have agreed & consented vnto upon one forme of gouernment & discipline for the maine & substantiall p^{ts} thereof, as that w^{ch} they judge agreeable to the Holy Scriptures; w^{ch} worke, if it be found greater then cann well be dispatched & ended at one meeting or session of y^e said assembly, they may then, as occa^{si}on & need shall require, make two sessions, or more, for the finishing of the same; and what they shall agree vpon they shall exhibite the same in writing to y^e Gouverno^r or Deputy Gouverno^r for the time being, who shall p^{re}sent y^e same to y^e next Genne^rall Courte then en-
sewing, to y^e end that the same being found agreeable to the word of God, it may receave from the said Genne^rall Cou^rte such appba^{ti}on as is meete, that the Lord being thus acknowledged by church & state to be our Judge, our King, & Lawegiver, he may be graciously pleased still to save vs, as hetherto he hath donne, & glory may still dwell in our land, truth & peace may still abide in these churches & planta^{ti}ons, & our posterity may not so easily decline from the good way, when they shall receave y^e same, thus publiquely & solcmnly com^{me}nded to them, but may rather adde to such beginⁿⁱngs of reforma^{ti}on & purity as wee in our times have endeavored after; and so the chu^rches of New England maybe Jehovahs people, & he may be to vs a God from genne^ration to genne^ration.

Expence to be borne by the church who sends.

And as for the costs & chardges of y^e said assembly, itt is thought meete & most æquall that those churches who thinke meete to send their elde^rs & messenge^rs shall take such care as that, during their attendance at y^e said assembly, they may be p^{ro}vided for as is meete; & what strainge^rs or othe^rs shall for their oune ædification be p^{re}sent at y^e said assembly, they to p^{ro}vide for themselves, & beare their oune chardges.

[*74.]

And forasmuch as y^e planta^{ti}ons wthin y^e iurisdic^{ti}on of Plimouth, Coⁿnecticut, & Newhaven are combined & vnited wth these planta^{ti}ons wthin the Massatusetts, in y^e same civill *combina^{ti}on & confederacie, itt is therefore heereby o^rdered & agreed, that the churches wthin the said iurisdic^{ti}ons shallbe requested to send their elde^rs & messenge^rs to the assembly aforemen^{ti}oned, for w^{ch} end y^e secretary for the time being shall send a sufficient noumber of coppyes of this p^{re}sent order or declara^{ti}on vnto the elde^rs of the churches wthin the iurisdic^{ti}on aforsaid, or vnto the Go^vino^r, or Go^vinors com^{mi}ssion^r or com^{mi}-

Copies to be circulated to other churches.

ission's, for y^e said confederate jurisdiccōns respectively, y^t so these churches, having timely notice thereof, may the better p^rvide to send their eld^rs & messengers to y^e assembly, who being so sent shall be received as p^rte members thereof, and shall have like liberty & power of disputing & voting therein as shall the eld^rs & messengers of the churches wthin the jurisdiccōn of the Massachusetts. By both.

1646.

6 May.

In ans^r to y^e peti^cōn of M^r Rob^t Ensome, M^r Edward Wetheredge, M^r John Wheake, & y^e rest, y^e Cou^rte having taken into considera^cōn y^e request of y^e said peti^cōn's, itt is hereby ordered, y^t y^e said peti^cōn's shall have y^e one halfe of y^e customes of their wyⁿes abated them, viz., five shillings vpon a butt or pipe, provided y^ey, y^e said peti^cōn's, bona fid^e make a true entry of all the wyⁿes they have landed, & y^t wthin two dayes next after notice given them by the audit^r genne^rall, or any appointed by him for y^t end; and y^t they, the said peti^cōn's, doe make payment to y^e audit^r genn^l of the other halfe of y^e custome, viz., five shillings p a butt or pipe, & y^t in such pay as is p^rvided for in a former order, w^{ch} requires tenne shillings vpon a butt. And in case any y^e said peti^cōn's shall delay to make a true retou^rne of their wyⁿes as afo^rsaid, that then all such said wyⁿes that are already forfeited by any such peti^cōn^r for non entrance shall be seized vp^o by way of distresse, aco^rding to a speciall warrant given to y^e audit^r genne^rall for y^t end & purpose.

Abatement on
excise upon
wine requested.

For y^e better recouering of any custome of wyⁿes, or fo^rfeitures for not entering aco^rding to order, or any orders of this Cou^rte, & for refusall of pay^men^ts of such customes aco^rding to such order or orde^rs, to y^e satisfac^cōn of y^e audit^r genne^tt, itt is ordered by y^e Cou^rte, y^t y^e said audit^r hath power, and is hereby required, to goe into all y^e howses or cella^rs he knoweth or suspecteth any wyⁿe to be, & from time to time shall seize vpon such wyⁿes as are not entered, & also seize vpon & take possession of so much wyⁿes as to make payment of what custome is due aco^rding to entrie^s made, & is refused or neglected to be paid in dew manner, aco^rding to such orde^rs; & hereby all constables & other offic^rs are required to asist & aide y^e audit^r in y^e discharge of his deuty, & helping to breake open such howses or cella^rs, if y^e owne^rs of such wyⁿes shall refuse to open y^e doores or deliuer their keyes in a peaceable way. By both.

Suspected
places where
wine is kept,
may enter &
search.

*Cutshamakin, sagamo^r of y^e Massachusetts, came into y^e Cou^rte, & acknowledged y^t for y^e some of sixe pounds, & a coate, w^{ch} he had already rec^d, he had sold to M^r John Woodbridge, in y^e behalfe of y^e inhabitan^ts of Chochichawicke, now called Andeuor, all his right, interest, & p^riviledg in y^e land sixe miles southward from y^s toune, two miles eastward to Rowley bounds, be the same more or lesse, northward to Merrimacke River;

[*75.]

Andover, In-
dian's convey-
ance of the soil

1646.

6 May.

provided, y^t y^e Indian, called Roger, & his company, may have liberty to take alewives in Chochichawicke River for their oune eating; but if they either spoyle or steale any coⁿe, or other fruits of y^e inhabitant^s there, to any considerable valew, this liberty of taking fish shall for euer cease; & y^e said Roger is still to enioy 4 ac^s of ground where now he plants. This purchase y^e Cou^rte allowes of, & have graunted y^e said land to belong to y^e said planta^cōn for euer, to be o^rdered & disposed of by them, reserving liberty to y^e Cou^rte to lay two miles of their southwardly bounds to any toun^e or village y^t hereafter may be erected thereabout, if so they see cawse. This passed as an order, on y^e acknowledgm^t of Cutshamakin. By both.

A. Eames &
others to end
small causes in
Hingham.

Mr Allen, Anthony Eames, & John Merricke are hereby authorized to end smale cawses, at Hingham, till y^e next session of this Cou^rte. By both.

At a Gen^l Court, at Boston, 20: 3: 46.

20 May.

Male inhabit-
ants of the
towns, return
to be made.

Itt is ordered, y^t y^e secretary doe send forth warrant^s to all constables to bring in to one of the co^mmission^s for y^e Vnited Collonyes y^e just number of all y^e males wthin their seuerall tounes, betweene y^e ages of 16 to 60, y^t so y^e chardge of y^e late expedi^cōn, & y^e wampam dew from y^e Narrowgansett, may be dewly pp^ocōned; & y^t, for time to come, y^e co^mmission^s for y^e Vnited Collonyes shall, vpon all such occa^cōns, send forth their oune warrant^s to y^e constables, for y^e same pur^pose, y^t this Cou^rte may not be troubled herewth, nor y^e se^rvice neglected for time to come.

Charges of hos-
tilities by M.
D. Aulnay con-
futed.

Whereas it hath bin alleadged by Mo^{sr} De Aulnay, y^t this collony or goue^rnm^t of y^e Massatusetts hath acted in y^e expedi^cōn of La Tour & Cap^t Hawkins ag^{nt} Moun^{sr} De Aulnay, this Cou^rte, having taken it into considera^cōn, & thoroughly examined y^e p^remises in y^t p^rticuler, doth heerby declare, y^t this goue^rnm^t hath not had any hand in y^e said expedi^cōn ag^{nt} y^e said Moun^{sr} De Aulnay, or any act of hostility co^mmitted either by La Tour, Cap^t Hawkings, or any other French or English in y^t warre; neither did this Genne^rall Cou^rte, (wherein y^e sup^reame power of this ju^ris- dic^cōn resideth,) forme^rly or latte^rly, allowe of any p^rivate letters written from any man, whether Gouⁿr for y^e time being, or any other publicke p^rson or p^rsons w^tsoeuer, to be an acte of this state to ingage this collony in any designe, wthout y^e consent of this Cou^rte first had & obtayned, & y^e same therein expressed; neither hath this Cou^rte given or consented to any such p^rivate lette^r w^tsoeuer to be written from any man touching this p^rticuler.

[*76.]

Committee up-
on forming
laws.

*This Cou^rte thankfully accep^ts of y^e labo^rs of y^e seue^rall co^mmittees of y^e seuerall shieres as they are retou^rned by them, & being very vnwilling y^t

such pretious labors should fall to y^e ground wthout y^t good successe as is genne^rally hoped for, have thought it meete to desier Richard Bellinghm, Esq^r, & Left Duncan, Mr Nowell & Left Johnson, Mr Symonds & Mr Warde, to cawse each comittees retou^rne, about a body of lawes to be transcribed, so as each comitteee have the sight of y^e othe^rs labors; & y^t y^e p^rsons men^cioned in this o^rder be pleased to meete together at or before the tenth of August next, at Salem or Ipswich, & on y^e p^rvsing & examining y^e whole labors of all the comittees wth y^e abrevia^cion of y^e lawes in force, w^{ch} Mr Bellinghm tooke great store of paynes, & to good purpose, in & vpon y^e whole doe make retourne to y^e next session of y^e Courte, at w^{ch} time y^e Courte entends, by y^e favor & blessing of God, to p^rceed to y^e establishing of so many of them as shallbe thought most fitt for a body of lawes amongst vs. By both.

1646.

20 May.

For y^e better keeping of watches & wards by y^e constables, in times of peace, itt is ordered, y^t eu^ry constable shall p^rsent to one of y^e next magis^ts y^e name of euery p^rson who shall, vpon lawfull warning, refuse or neglect to watch or warde, either in p^rson or by some other, sufficient for that service; and if, being so conu^rented, he cannot give a just excuse, such magis^ts shall graunt warrant to y^e constable, to levye five shillings of such offendor for euery default, the same to be employed for y^e vse of the watch of y^e same toune. And it is y^e intent of y^e lawe, y^t euery p^rson of able body, not exempted by lawe, or of estate sufficyent to hire another, shall be liable to watch, or to supply it by some other, when they shallbe therevnto required; and if there be in y^e same howse diuerse p^rsons, whether se^rvants or sojou^rners, they shallbe all compellable to watch as aforesaid. By both.

Penalty for not attending watches.

Mr Francis Willowby is chosen & appointed as a rese^rve, in case Cap^t Hawthorne, by reason of some hand of God, y^t is not fo^reseene, nor cannot be p^rvented, should not be able to goe to Penobscott, to Mouns^r De Aulnay, then Mr Willoughby to be a comission^r in his roome. By both.

Thomas Laughton, Edward Bu^rcham, & Tho: Putman are authorized by this Courte to end smale cawses, vn^de^r twenty shillings, in y^e toune of Lynne. By both.

Itt is ordered, y^t Boston & Charles Toune shall have each of them their p^rpo^rtions of two barrells of powder, w^{ch} this Cou^rt allows them, y^t they may not neglect to retou^rne co^mon salu^ts to vessells w^{ch} salu^te them; Boston to have two thirds of the two barrells of powder, & Charles Toune y^e othe^r 3^d p^rte.

Boston & Charlestown to have powder.

Itt is ordered, y^t y^e 11th day of June, throughout this ju^risdic^cion,

1646.

20 May.

shallbe sett aparte for a day of thanksgiving to Almighty God, for his great & victorious mercyes to o^r deare native countrye, for y^e comfortable & seasonable suplying of vs wth moderate showers, & his mercy in wthdrawing his afflicting hand from vs.

[*77.]

*Whereas M^r Jo: Winthrop, Juñ, & other^s have, by allowance of this Courte, begunne a planta^cõn in the Pequid country, w^{ch} app^taynes to this jurisdic^cõn, as p^{te} of o^r p^{por}c^cõn of y^e conquered country, & whereas this Courte is informed, y^t some Indians, who are now planted vpon y^e place where this planta^cõn is begunne, are willing to remoove from their planting ground, for y^e more quiett & convenient settling of y^e English there, so that they may have another convenient place appointed, itt is therfore ordered, that y^e said M^r Winthrop may appoint to such Indians as are willing to remoove other lands on y^e other side, w^{ch} is on y^e east side of y^e great river of y^e Pequid countrye, or some other place, for their convenient planting & subsisting, w^{ch} may be to y^e good liking & dew satisfac^cõn of y^e said Indians; & likeuise to such of y^e Pequid Indians as shall desire to live there submitting themselves to y^e English go^ument, reserving to y^e co^mmissioners of y^e Vnited Collonyes w^t p^{pr}ly belong to their disposing, conce^rning y^e said Pequids; and also to sett out y^e place for y^e planta^cõn, & to sett out lotts for such of the English as are there already planted, or shall come to them; and to gouerne y^e people aco^rding to lawe, as occa^cõn shall requier. M^r Thomas Peeters is joyned wth M^r Winthrop, to asist him for y^e better carrying on y^e worke of y^e said planta^cõn, aco^rding to order. By both.

Indians to re-
move from the
Pequod coun-
try.

Committee on
Mon^s de Aul-
nay: dispute at
Penobscot.

Whereas Thomas Dudley, Esq^r, Deput Go^uno^r, Cap^t W^m Hawthorne, & Major Daniel Dennison are chosen commission^{rs} by this Court to goe to Penobscot to treat wth Moun^s De Aulnay, or his agents, concerning y^e p^{re}tended differences betweene him & this go^ument, y^e Courte doth order & appoint, & hereby doth give full pow^{er} to, Major Genn^t Endecott, Rich: Bellinghm, Esq^r, Cap^t Robt Bridges, M^r Francis Willoughby, & Mr. Duncan to be a close co^mittee to drawe up, & give out, such instruc^cõns to y^e said Thomas Dudley and y^e rest as they shall to their best skill & wisdom see most con-
ducing to y^e p^{re}sent & future peace & welfare of this collony, wthout making knoune y^e same to y^e Genn^l Cou^rte, vntill y^e said co^mission^{rs} shall retou^rne; as also y^e co^mittee hath hereby full power to order & appointe how many attendan^{ts} y^e said co^mission^{rs} shall have, & their wages; as also shall take care for a convenient p^{or}c^cõn of money for y^e co^missione^s to carry wth them, & for their p^{ro}vi^cõns, befitting their p^{er}sons & suitable to y^t service, and what allowance shall be given y^e said co^mission^{rs} for their paines & times expended, & damage in their oune domestiq^{ue} buisnesses in their

absence, and for y^e appointing soñ inte^rp^reter & hiring of a vessell wth all other requisits that conceⁿe this buisnes. By both.

1646.

20 May.

[*78.]

*Whereas heretofore there was a peace agreed vpon betweene Moũs^r Daulnay, Knigh, goũn^r & left genne^rall for y^e King of Fraunce, of y^e coast of Acady, country of New Fraunce, by his agent Mouns^r Marey on y^e one p^te, & y^e Goũn^r & Magis^{ts} of y^e Massatusetts Bay in New England on the other p^te, w^{ch} had reference to an assen^t therevnto to be given by y^e other jurisdic^{co}ns in New England in confederation wth them, w^{ch} assen^t was afterwards given vnde^r y^e hands of y^e coĩmission^{rs} of y^e Vnited Collonyes, & in October last sent to y^e Mouns^r Daulnay, to have binn by him subscribed & retourned to vs; and whereas y^e said Mouns^r Daulnay did then make difficulty & demurred vpon the subscription thereof, in regard of some iniuries & damages he alleadged to be sustayned by some of ours, requiring satisfac^{co}n thereof before he would subscribe y^e artickles of peace, desiring that wee would therefore at this time send certaine agent^s quallified & authorised to treat wth him & his agents, & compound the same; wee, therefore, the Goũn^r, Dep^t Goũn^r, Majestrates, & Deputyes, making y^e Genne^rall Courte at Boston, wherein the supream power & authority of this jurisdic^{co}n resideth, being desirous y^t a just & æquall peace may be kept & maintained betweene the two nations, and wth y^e said Mouns^r Daulney, & all our neighbo^{rs} & ourselves being willing also to gratife y^e said Mouns^r Daulney in this his request of a treaty, that soe it may for his satisfac^{co}n be fully manifested to him how innocent wee are concerning those wrongs he supposeth wee have donne him, & how out of y^e desire of peace, & mutuall trade, & coĩmerce wth him, wee would have sup^{ss}sed our greifes & borne our losses by him & his, suffered in silence, if he had not thus pressed vs to a complainte thereof, have hereby authorized & appointed o^r much honno^{red}, right trusty, & well beloved Thomas Dudley, Esq^r, y^e Dep^t Goũn^r of this jurisdic^{co}n, & o^r faithfull & worthy freinds, Major Daniell Dennison & Cap^t W^m Hautho^rne, our coĩmission^{rs} & agents for vs, & in o^r names & steede to treat wth y^e said Mon^{sr} Daulney or his coĩmission^{rs} sent from him wth like plenary power & authority as wee hereby give vnto yow our coĩmission^{rs} & agents for y^e determiñg & compounding of all differences & greivances betweene him & ourselves, authorizing & giving to yow heereby full & absolute power to agree & determine all greivances, complain^{ts}, iniuries, losses, violences, and dammages, w^{ch} shall appeare vnto yow, or w^{ch} shall be supposed to have binn donne or perpetrated either by vs or any of ours ag^{nt} him, or by him or any of his against vs or any of ours, hereby obliging ourselves to stand, to abide, & pforme w^tsoever yow shall vnde^r yo^r hands testifye so to have agreed vnto. In testimony whereof wee

Commissioners
appointed on
Mon. D. Aul-
nay business.

1646.

20 May.

[*79.]

Thanksgiving.

have hereunto affixed our publicke seale, & have caused our sec^{ry} to subscribe the same this [^] day of [^], old stile, in the yeere of our Lord 1646. By both.

*Itt is ordered y^t y^e eleventh day of June, throughout this jurisdiction, shall be sett aparte for a day of thanksgivinge to Almighty God for his great, victorious mercyes to our deare native country, for y^e comfortable & seasonable supplying vs wth moderate shower^s, as also for his great mercy in wthdrawing his afflicting hand from of vs. By both.

The Courte is adjourned to y^e 7th day of October next, vlesse y^e Gou^{rn} see cawse to call it together againe by his warrants sooner. By both.

7 October. *Att another Session of the Gennerall Courte of Elec^{cons}, held at Boston y^e 7: 8 M^o, 1646.*

CAP^T Rob^t Keayne was chosen Speaker to the Howse of Depu^{ts} for the first day of sitting. Cap^t Rob^t Bridges was chosen sec^{ry} for y^e first day of sitting.

Mr Francis Willowby was chosen comptroller for y^e whole time of sitting.

Cap^t Rob^t Bridges was chosen Speaker to y^e Howse of Depu^{ts} for y^e whole session.

Persons to end
small causes.

Where as there is no order made appointing who shall end small cawses in townes vnder y^e vallew of twenty shillings, where one only majestrate dwells, & y^e cawse concernes himself, itt is therefore ordered, y^t in such cases y^e 5, 7, or more men in euery such toune w^{ch} are selected for p^rudentiall affaires, shall have power to heare & determine such cases, & to graunt execution for the levying & gathering vp such damages for y^e vse of y^e p^{son} damnified. By both howses.

Rule of proce-
dure in Courts.

Whereas by a former order y^e def^t is to have sixe dayes warning by pcesse before the time of his appearance, &c, & no p^{vi}c^{on} made in y^e said orders for suddaine occa^{cons} w^{ch} may concerne strainge^s or others, where there is not so much time before y^e next Courte, nor cann they stay till a Courte after, itt is therefore ordered, y^t in all such cases, y^e clarke of y^e writts, by warrant from one of y^e next magis^{ts}, who is to weigh y^e necessity of y^e case, may graunt pcesse for y^e def^ts appearance at y^e next Courte; & y^e same Courte may require y^e def^t to answer, if they see just cawse so to doe, though he hath not had sixe days warning, as in y^e former orde^r is appointed, & y^e clarke of y^e writts is to men^{con} in y^e pcesse vppon w^t magis^{ts} warrant he graunted the same. By both howses.

Cap^t Athirton, Mr Carlton, & Mr Bartholmew are appointed a com^{itte}e to audite y^e accomp^{ts} of y^e cap^t of y^e Castle.

In ans^wr to y^e peti^{con} of y^e sagamore of Agawam, liberty was graunted to one of our smithes to mend his gunne. By both.

*In y^e case of Robt Miller, now in p^rison, acused for beastializ, y^e witt-
nesses seeming to disagree, y^e coldnes of y^e season approaching, itt was ordered,
y^t his oune band should be taken for his appearance, to answer it at y^e next
Courte of Asistan^{ts}. By both howses.

1646.

7 October.
R. Miller liber-
ated.

Mr Treasurer, Mr Auditor Genn^t, & Mr Sparhawke are appointed a
com^mittee to examine all matters of accomp^t betweene Mr Welles & y^e country,
by comparing his letters.

[*80.]

With respect to y^e extraordinary occa^cions y^t many membe^{rs} of y^s Courte
have, & y^e shipp^s being suddainly to dep^t for Eng^td, wherin most have much
to doe, y^e Courte was adjourned to y^e next 4th day of y^e 9 m^o, at one of y^e
clocke. By both howses.

Court ad-
journed.

*Att another Session of y^e Gennerall Courte, held at Boston, y^e 4th
9: Mo: 46.*

CAP^t Robt Bridges was chosen Speaker to y^e Howse of Deput^s for y^e
whole session.

4 November.
R. Bridges
Speaker.

Mr W^m Ting being chosen & p^sented, by y^e toune of Boston, as deput^t in
y^e roome of Major Edward Gibbons, was accepted.

Itt was ordered, y^t one hundred pounds should be suddainly raised for y^e
furnishing of Mr Edward Winslowe, whom this Courte hath chosen & appoint-
ed to negotiate for them in England, &c.

Money to be
raised for E.
Winslow.

A letter writt by y^e Gouⁿr in y^e name of y^e Gennerall Courte to y^e gent^t of
Plimouth, to informe them of our sending Mr Edward Winslow to nego-
tiate for vs wth the honno^rable com^mission^{rs} for planta^cions, & y^t if they
please to imploy y^e said Mr Winslowe in such occa^cions as may concerne
ihem, they may, wth respect of their bearing such p^por^cion of the chardges
wth vs as they shall thinke meete.

Letter to intro-
duce Mr Wins-
low.

S^r: Our Gennerall Courte being occa^cioned by w^t wee lately rec^d from
the honnorable com^mission^{rs} in Eng^td, to send some to cleere vs of such falce
imputa^cions as Gorton, &c, have there chardged vpon vs, wee have intreated Mr
Edward Winslowe to vnder^take y^e worke for vs, w^{ch} wee thought fitt to ac-
quainte yow wth, & our brethren of Newhaven also, to y^e end y^t if yow con-
ceave he may stand yow in any steed, in yo^r publicke affaires wth y^e said com^m-
ission^{rs}, yow may please to send him com^mission & instruc^cions for that purpose.
Yow know y^e gen^t, his abillities, & faithfulness.

In much streight of time, I take leave, & rest

Yo^r assured freind,

JO: WINTHROP.

1646.

4 November.
Committee on
iron works.

Mr Simond Bradstreet, Mr Thomas Flint, Cap^t Rob^t Keayne, Peeter Brackett, & Mr Carleton are appointed a committee to pvse y^e gen^t letter about y^e iron worke, making returne of w^t they conceave meete to be donne thereabouts. By both.

[*81.]

S. Gates &
others to make
a public ac-
knowledg-
ment.

*In ans^r to y^e peti^con of Stephen Gates, Frauncis Smith, Jn^o Winchester, Jn^o Beale, & Jn^o Padge, of Hingham, for y^e abatement of their fines of 14^s a peice, being poore & not able to pay it, itt is ordered, that they shallbe remitted their fines, so as they make acknowledgm^t of their offence vpon some lecture day, at Boston. By both howses.

N. Rogers to
preach election
sermon.

Itt being the time & turne of y^e Deput^s for to choose & appointe y^e ministe^r to p^reach the ser^mon at y^e next Cou^rte of Elec^con, they chose & desired Mr Nathaniell Roge^s, of Ipswich, to p^reach y^e next elec^con sermon.

E. Kendall
sale of land.

Elizabeth Kendall, late wife to Samuells Holly, did acknouledge before the Gennerall Courte, in considera^con of twelve pounds in hand paid to himself & John Kendall, hir husband, shee did sell to Edward Jackson, of Cambridge, y^t dwelling howse of hir forme^r husband, Sam: Holly, wth an outhowse & tenne ac^{rs} of land, enclosed, wth all y^e libertyes & priviledges thereto belonging, w^{ch} hir husband gave hir during hir naturall life; as also fower ac^{rs} of land, more or lesse, in Cambridge liberty, abutting Roxbury highway on y^e north, John Jackson on y^e west, y^e Co^mon east & south.

Wittnesses to y^e sale.

J^o: Russell, Sen.,

Jn^o: Russell, Jun.

Lynn to have
a market.

Itt is ordered, y^t it shallbe in y^e libe^rty of y^e toune of Lynne to erect & keepe a markett on e^{ly} third day.

53: 2^d 9^d
shifts.

Itt is ordered, y^t y^e shifts of y^e children, in y^e hands of Mr Glover, shall, by him & y^e Treasu^rer, be app^rized, & deli^ud to y^e cap^t of y^e Castle, in p^te of payment for w^t is dew to him. By both.

Cap^t Willard being fyned 5^{li}s for his absence, on his excuse it was remitted, he satisfying y^e messenger y^t y^e Cou^rte sent to him.

Watertown.
R. Bourne to
marry.

In ans^r to y^e peti^con of y^e toune of Water Toune, Mr Richard Broune is appointed, & by this Courte, & authorized to marry such as are published according to order in Water Toune. By both howses.

Sarah Barnes
petition grant-
ed.

In ans^r to y^e peti^con of Sarah Barnes for y^e remitting of a fyne of five pounds imposed on hir husband by y^e Courte of Salem, & y^t W^m Addis, who was surety for y^e said fyne, should be dischardged, & not trouble, therefore, the Courte being informed y^t Addis, contrary to advice, would be surety for the fyne, y^t so y^e sd Barnes should escape corporall punishment, itt is ordered,

y^t y^e said Addis shall not take any thing from y^e said Sarah Barnes, but seeke his remedy at the hands of the husband only.

1646.

*Whereas men doe passe ouer y^e comon ferryes in great dainger oftentimes, & y^e ferrymen excuse themselves by the importuning of passengers & want of lawe to give them power to keepe dew order, &c, itt is therefore hereby ordered, y^t no pson shall passe or enter into any ferryboate contrary to y^e will of y^e ferry men, or of the most of y^e passenger^s before entered, vpon paine of tenn shillings for euy such attempt, & y^t euy ferry man that shall pmitt & allowe any pson to come into his boate agn^t the will of any of y^e maies^{ts} or depu^{ts}, or any of the elders, then in such boate, or y^e greater pte of y^e passengers then in y^e boate, shall forfeite for euy pson so admitted or receaved ag^{nst} such will declared, the some of twenty shillings; and it shallbe in y^e power of any such ferry man to keepe out or putt out of his boate any pson y^t shall enter into or stay in such ferry boate contrary to this order; and it is further ordered, that all psons shallbe receaved into ferry boate^s according to his coming first or last, only all publicke psons, or such as goe vpon publicke occa^ons, or phisitions, or chirurgeons, or midwives, or such as are sent for, such shallbe transported as such as come first. By both howses.

4 November.

[*82.]

Regulation of ferry's.

The accompt^t of Mr Edward Allyn is recd & accepted, all but y^e 7^t 4^s mentioned for a selwith, w^{ch} is left till Mr Allens execut^{rs} can bring in w^t y^t selwith meanes, & y^t it is of such a vallew before it be accepted as p^t of y^e accompt^t.

E. Allyn, account suspended.

The Courte having formerly graunted Major Nehemiah Bourne y^e loane of sixe great gunnes, as in y^e graunt, &c, giving caution for their retournes accordingly, w^{ch} is referred to y^e surueyo^r genne^rall to see it be pformed according to order.

Guns loaned Mr Bourne.

In answ^r to y^e peti^on of M^{rs} Margarette Howe & Nathaniell Tredaway, libe^rty was graunted them to drawe two butts of wyne, w^{ch} they recd for debt, w^{ch} they cannot sell wthout great losse by y^e butt. By both howses.

M. How licensed to draw wine.

In answ^r to y^e peti^on of y^e toune of Hampton, itt is ordered, y^t Hampton shall be allowed five pounds out of y^e next country rate towards the making of a sufficyent carte & horseway ouer the great mareshes there, & so as they doe it suddainly.

Hampton to have £5 for making a road.

In answ^r to y^e peti^on of y^e toune of Braintree, Henry Adams is appointed clarke of y^e writts in y^e roome of Peeter Brackett, & also one of the three men to end smale cawses. By both howses.

Braintrec, H. Adams clerk of writs.

In answ^r to y^e peti^on of M^{rs} Dingham & John Alcocke, y^e devi^on of y^e howses & lands made by Cap^t Joseph Weld, John Johnson, & Tho: Lambe, $\frac{2}{3}$

House, division between parties.

1646. to John Alcocke, & $\frac{1}{2}$ to Samuel, is approved of & confirmed by the Courte.
By both howses.

4 November.

[*83.]

Time for reading petit. repealed.

A: Becks acct exa.

R. Bridges compensated.

*The Courte order, y^t no petiçon should be reëd after the first three dayes of the Courte, is hereby repealed. By both howses.

Itt is ordered, y^t y^e auditor genn^t shall examine Alexander Becke his acct, & take order for his speedy satisfacçon. By both howses.

The Courte, well weighing y^e good service pformed by Cap^t Rob^t Bridges in y^e negotiation wherein this Courte lately employed him & called him to, wth y^e daingers & losses y^t were attending thereypon, thinke meete to allowe him tenn pounds as a smale manifestaçon of their loving acceptance of his good service therein, & for y^e chardges he was necessitated to lay out for y^e acomplishment thereof, being hindered, by y^e many debts y^e country stands engaged for, fully to requite him; as also in like manner Lef^t Walker is allowed fflower pounds, & Sa^rg^{nt} Ma^rshall forty shillings.

W. Walderne writings, directions about.

In answ^r to y^e petiçon of Richard Walderne for a disposall of all publicke & private writings y^t were in y^e hands of W^m Walderne, late recorder of Dover, deceased, itt is ordered, y^t M^r George Smith & M^r Edward Starbucke shallbe a co^mittee to survey y^e bookes & writings y^t were in y^e hands of the said W^m Walderne, & to give to e^uly one y^t w^{ch} belongs to them, & such publicke writings as belong to the Courte at Piscataq, or any pte of this jurisdiction, to reserve in safety till further order from this Courte. By both howses.

Rates of warfage.

Orders to be observed by all such as shall bring any goods vnto y^e wharfe.

1. That all forraigne goods reçoned by the tunne or loade shall pay 4^d p tunne, except it be otheruise specified.
2. Firewood shall pay 2^d p tunne.
3. For stones a 1^d p tunne.
4. For timbe^r, 3^d p tunne.
5. For all caske goods, as fish oyle, or y^e like, of this jurisdiction, 4^d p tunne.
6. For pipestaves, 6^d p thowsand.
7. For hay, 2^d p loade.
8. For great catle, in either shipping or landing, 1^d p head.
9. For goates or swyne, a farthing a head.
10. For corne, each q^rter, 1^d.
11. For dried fish, $\frac{1}{2}$ o^b kentall; & all goods not included in these shall pay according to their pporçons.
12. Y^t w^t goods shall lye on y^e wharfe above 48 howe^rs shall be liable to pay wharfage againe, & so for e^uly 48 howe^rs.

13. Y^t wood, stones, & all weighty goods shall be landed & orderly sett vpon end, or layd 7 foote from y^e side of the wharfe, vnder the penalty of double wharfage. 1646.
4 November.

All the above menconed allowances for wharfage for goods are allowed & confirmed by y^e Courte as meete allowances, & all are to attend these rules in this respect.

[*84.]

*Mr Bozon Allen, on his mocōn, by reason of his great losse in his mill damme, occaōned by the last great storme, was dismissed y^e service of y^e Courte, vnlesse he could conveniently come againe. B. Allen excused.

Mr Glouer, Capt Atherton, & John Wisewell are appointed the three men to end smale controūsyes in the toune of Dorchester for one yeere. Mr Glover & others to end small matters.

Richard Redman, being indicted by y^e grand jury, & tryed by a petty jury, for being accessory to y^e massacring of Luther, & fower more, in De La Ware Bay, by y^e Indians, he was brought to y^e barr, y^e evidences brought & read before him, to all wth he pleaded not guilty, & was dischargd, paying a butt of sacke for his ransome from y^e Indians. Contradicens to y^e orde^r, Edw: Rawson, Rob: Keayne, Jo: Johnson, W^m Parks, Peeter Bracket, & Lef^t Johnson. Rich^d Redman tried and acquitted.

In ans^r to y^e petiōn of y^e inhabitan^{ts} of Douer, Mr Smith, Left Pomfrett, & Jo: Hall are appointed the three men to end smale controūsyes there for this yeere, & Mr Smith is appointed clarke of y^e writts, in y^e roome of Mr Walderne. Dover inhabitants, petition of.

Mr Bozon Allen, Nicolas Baker, & Nicolas Jacob are appointed the three men to end smale controūsyes in Hingham for this yeere, & Samuell Ward is appointed clarke of the writts there. B. Allen & others to end small matters in Hingham.

In ans^r to y^e petiōn of y^e toune of Newbery, Edward Rawson is appointed & authorized by this Courte to marry there such as are published according to y^e order of y^e Courte, & during y^e Cou^rts pleasure. Newbury, E. Rawson allowed to marry.

Itt is ordered, y^t Edward Rawson shall have twenty markes allowed him for his paines, out of y^e next levy, as sec^rt^r to y^e Howse of Depu^{ts} for two yeeres past. By both howses. E. Rawson, secretary, to have 20 marks as extra pay.

Itt is ordered, y^t Richard Saltonstall, Esq^r, shall have a smale peece of ordinance, in satisfacōn of a debt of nyne pounds, dew to S^r Richard Saltonstall, for amūnition; & w^t y^e said peece shallbe vallewed above tenn pounds by y^e su^rveyo^r genn^{ll}, y^e said Richard Saltonstall, Esq^r, to retourne in redy mony, for y^e cōntries vse. By both howses. R. Saltonstall has ordinance granted.

Itt is ordered, y^t if any pson shall take any tobacco wthin the roome where the Courte is sitting, he shall forfeite, for eu^{ry} pipe so taken, 6^d; & if they shall offend againe, in contemⁿg this wholesome order, he shallbe called to y^e barr for his delinquency, & pay double his fyne. Voted. Ag^{nt} taking tobacco in y^e roome y^e Court sits.

1646.

4 November.
Left. Nortons
confirmacon.

Mr Frauncis Norton is accepted of & confirmed in y^e place of left to y^e company of Charles Toune, in y^e roome of Left Sprauge, who is discharged, on his request, therefrom, & Sarg^{nt} Sprauge is accepted & confirmed as ensigne to y^e said company.

[*85.]

Wittnes ag^t
man stealing.
Negro to be
sent to Guinea.

*The Genne^rall Cou^rte, conceaving themselves bound by the first optunity to beare witnes ag^t y^e hainous & crying sinn of man stealing, as also to p^rscribe such timely redresse for w^t is past, & such a lawe for y^e future as may sufficiently deterr all others belonging to vs to have to doe in such vile & most odious courses, justly abhorred of all good & just men, doe o^rder, y^t y^e negro interpt^r, wth othe^rs, vnlawfully taken, be, by the first optunity, at y^e chardge of y^e country for p^rsent, sent to his native country of Gynny, & a letter wth him, of y^e indigna^{co}n of y^e Courte thereabouts, & justice thereof. Y^e p^rsecuting of this orde^r is left to y^e care of our honno^red Go^vnr for p^rsent. By both howses.

Deput^e oath on
Redman's trial.

In y^e case of Redman, being on his tryall for being accessory to y^e murder of Luther, & y^e rest wth him, y^e Deput^e entered into this oath of God, herevnder written, except such as had share in y^e goods lost in y^t vessell, viz.: Wee doe sweare by y^e dreadfull name of y^e living God, y^t in this case, conce^rning y^e tryall of Redman, about the murder of Luther & y^e rest by y^e Indians, wee will deale vprightly & justly, according to our judg^{mn}t^e & conscience, y^e lawes of this jurisdic^{co}n, & y^e evidence y^t shallbe given, as neere as wee cann. So helpe vs God, &c.

M. Scarboro'
petition grant-
ed.

In answer to y^e peti^{co}n of Mary Scarborough, wyddow, the Cou^rte graunted hir, & hir husband y^t shallbe, libe^rty to sell y^e howse & land of hir late husband, John Scarborough, in Roxbury, & make a good title thereto; provided, y^t hir husband give in security to bring vp the children of y^e said John Scarborough. By both howses.

Gou^rn^r's sti-
pend.
D. Gov^r com-
pensated.

The Courte thankfully acknowledgeth y^e good service our honno^red Deput^e Go^vnr hath donne, in y^e place of y^e Go^vnr, y^e last yeere, & are not a litle troubled, y^t y^e many p^ressing vrgent necessityes & necessary chardges of y^e collony are such as to intervne betweene his deserved merritts & y^e just recompence w^{ch} this Courte is vsed to allowe, but beleeving he is no lesse sencible of the p^rmisses then ourselves, doubt not of his loving acceptance of so slender an acknowledgment, have thought meet to order, y^t our honno^red Dep^t Go^vnr shall be allowed, out of the next levy, the so^me of sixty pounds. By both howses.

Committee for
lawes.

Itt is ordered, y^t our honno^red Go^vnr, Rich Bellinghm, Esq^r, M^r Hibbings, M^r Hill, & M^r Duncan, or any three of them, meeting the other, having notice thereof, shallbe a co^mittee to pvse, examine, compare, tran-

scribe, correct, & compose, in good order, all y^e libe^rties, lawes, & orders extant wth vs; &, farther, to pvse & pfect all such others as are drawne vp, & to p^rsent such of them as they judge necessary for vs, & to suggest w^t they deeme needfull to be added, as also to continew & contrive some good method & order, by titles & tables, for y^e compiling the whole, so as wee may have recourse readily to any of them vpon all occa^sions, whereby wee may manifest our vtter disaffec^on to arbitrary go^vlment, y^t so all rela^ons be safely & sweetely directed, & pfected in all their just righ^{ts} & priviledges, desiring thereby to make way for printing our lawes, for more publicke & pffitable vse of vs & our successo^rs. By both howses.

1646.

4 November.

* This Cou^rte, being informed y^t some p^rsons, more seeking their oune p^rivate advantage then the good of the publicke, doe intend to transporte rawe hides, &c, doe heereby order & enacte, y^t no p^rson shall deliver aboard any shipp, or other vessell, directly or indirectly, any rawehide, or leather vⁿwrought, wth intent to have y^e same transported out of this jurisdic^on, vpon paine to forfeite the same, or the vallew thereof. And y^t no master of any shipp, or vessell, shall receave any rawe hide, or leather, directly-or indirectly, aboard his shipp or vessell, to be so transported, vpon the like penalty. This order to be forth^{with} published at Boston & Charles Toune, by setting vp the same vpon the meeting house doores, & vpon the maine mast of y^e shipp now bound for England, & of other shipp^s hereafter, as occa^sion shall require, otherwise the m^r shall not incurre y^e penalty, except he be an inhabitant in this jurisdic^on; p^rvided always, y^t it shallbe at libe^rty for any p^rson, strainger or othe^rs, to transport any hides, or skynnes, y^t shallbe brought hither from other p^rts, beyond seas, by way of merchandize. By both howses.

[*86.]

Transporting
of leather or
raw hides pro-
hibited.

Itt is ordered, y^t y^e peti^one^{rs} shall be required to appeare before the Courte, to receave their chardge, & give in their ans^wrs, on y^e next third day of y^e weeke. By both howses.

Edward Goffe, Jn^o Johnson, & W^m Parkes are appointed a co^mittee to treat wth M^r Sparhawk, or any others whom they shall thinke fitt, about such parcells of lands w^{ch} they judge meete to purchase for the incouragment of y^e Indians, to live in an orderly way amongst vs, & to orde^r y^e payment thereof out of the tresury, out of the first guift, for y^e good of Indians; y^e chardge of this purchase be repaid to y^e country, seting doune some rules for y^r impving & enjoying thereof. By both howses.

Comission to
purchase lands
for y^e Indians
wth M^r Shepprd,
M^r Allin, and
M^r Elliott.

Capt^t Atherton & W^m Parkes are chosen a co^mittee to treat wth y^e cap^t of y^e Castle about the hostages, & w^t they shall agree vpon wth him he shallbe satisfied out of the tresury, w^{ch} is to be paid back againe by all the collonyes. By both howses.

Committee on
hostages at the
Castle.

1646.

4 November.

Day of humili-
ation appoint-
ed.

In ans^r to y^e peti^on of W^m Wymbourne, fforty shillings of the three pounds fyne imposed on him, for drawing of beere wthout a licence, was remitted him. By both howses.

Itt is ordered, y^t the 24th day of the next 10 m^o shall be sett apart throughout this jurisdic^on for a day of humillia^on, wth respect to y^e hazordous estate of our native country, y^e trowbles thereof, y^e sad condi^on of y^e church at Barmuda, & y^e weighty cases in respect of our churches & co^monwealth, wth reference to any that seeke to vnde^myne y^e libe^rties of Gods people here in either or both.

[*87.]

*Itt is ordered, y^t y^e lawe made in y^e 9 m^o, 1644, for y^e bringing seuerall p^sons of worth in y^e country to an orderly elec^on, should be putt in execu^tion for this yeere ensewing, save only the time for y^e meeting at y^e shier townes is chandged from y^e last 5th day of y^e last month to y^e 2^d 4th day of the first moneth, & so till y^e last third day of y^e first month.

Way to elect
new magis^{ts}.

Whereas there is an order in force, y^t no man shallbe put to the vote for a majes^t at y^e elec^on but such as are nominated at y^e Gennerall Courte next before the w^{ch} order is hereby repealed, and for an orderly p^{re}ceeding in a way of nomina^on, that each free man may have his full libe^rty in voting, itt is ordered, y^t the freemen of this jurisdic^on shall meete in their seuerall townes wthin two months after the date hereof, to consider of whom they would nominate to be putt to vote vpon the day of elec^on for new magis^{ts}, to the n^umber of seven; at w^{ch} meeting e^ury freeman shall have libe^rty to putt in his vote for whom he thinketh fitt, all w^{ch} votes shallbe sealed vp at y^t meeting, & sent by some one or two, whom they shall choose, to y^e shier townes in each shier vpon y^e 2^d 4th day in y^e 11 m^o, at w^{ch} meeting y^e said select men of e^ury toune, by whom y^e votes being brought, shall not have power to open them, being sealed vp as before, but shall choose one or two from amongst themselves, by whom they shall send y^e aforesaid votes, being sealed vp all in one paper, vnto Boston, on y^e last third day of the first month, at w^{ch} meeting there shallbe two magis^{ts}, before whom the p^{ro}xies shall be opened & sorted; & those p^sons nominated for majes^{ts} that have most votes, to the n^umber of seuen, shallbe they that shallbe putt to y^e vote at y^e day of elec^on, & y^t such as have most votes to be first nominated & putt to elec^on, y^t the freemen may know for whom to send in their p^{ro}xies. The select men of e^ury shier being at this meeting shall take care to send to y^e select men of e^ury toune whom they be y^t are to be putt to vote, w^{ch} select men of e^ury toune shall call a meeting of their townes, & acquainte them whom they are, that so the freemen may have time to consider of them, & send in their p^{ro}xies accordingly; & no other shallbe putt to vote but such as are agreed vpon, as before. By both howses.

Itt is ordered, y^t M^r Dunster shallbe allowed 100^{li}, & paid him out of the next country levy, in p^{te} of his debt, ou & besids y^e 18^{li} w^{ch} is dew to M^r Samuell Shepheard, w^{ch} y^e auditor affirms care is taken for the satisfying thereof. By both.

1646.

4 November.
M^r Dunster a
100^{li}.

Itt is ordered, y^t y^e levy y^t shall issew out of this Courte shallbe paid into the tresury in corne, in their seuerall graines, at the prizes w^{ch} the last rate was paid in. By both howses.

*For y^e avoyding of all complaints, by reason of vnæquall rates, either of townes or psons, occa^õned thorough y^e want of one genn^{ll} rule & way of rateing throughout y^e country, & that levyes hereafter maybe more easy, æquall, & ce^taine, itt is hereby ordered, y^t in all publicke rates, till this Courte take further order therein, all sor^{ts} of catle shallbe vallew^d as hereafter is exp^{ss}ed, viz.: cowes 4 yeeres old & vpwards, at 5^{li}; heife^s & steeres betweene 3 & 4 yeeres old, at 4^{li}; heife^s & steeres betwixt 2 & 3 yeeres old, at 50^s, & betwixt one & 2 yeeres old, at 30^s; oxen 4 yeeres & vpwards, at 6^{li}; horses & mares 4 yeeres old & vpwards, at 7^{li}, 3 yeeres old, 5^{li}, betwixt 2 & 3 yeeres old, 3^{li}, betwixt one & two yeeres old, 40^s; sheepe above a yeeres old, 30^s; goates above a yeere old, 8^s; swyne above a yeere old, 20^s; asses above a yeere old, 40^s; howses, lands of all sortes, marchantable goods, mills, shippes, lesser vessells, boates, cranes, wharfes, together wth all other visible estate, reall & psonall, y^t any pson is possessed of, either at sea or heere a shore, or hath in his custody, to be vallew^d in the seuerall townes acording to their worth in the said places where they are, ppor^õnable to the aforesaid prizes of catle. And it is y^e meaning of this order, y^t becawse arrable land, meadow, & catle are to be rated, that therefore hay & other fodder for catle, together wth all corne growing in y^e country, in y^e husbandmans hand, shall not be liable to any rate. And for avoyding all partiality in rateing lands & other estate, not p^ticul^rly prized in this order, itt is ordered, y^t there shallbe, by e^uy^e toune, one of their inhabitant^s chosen by the freemen of y^e said toune, who, wth y^e select townesmen, shall take the just nountber of their males, & also shall make a true valluation of all things rateable by this order; w^{ch} inhabitant^s aforesaid, for their seuerall townes respectively, shall meete at their sheire townes vpon y^e 2^d 4th day of y^e last month next ensewing, to examine the truth & æquity of each townes p^{ce}eding heerein, who shall correct & determine as to y^e major p^{te} of them seemes right & just to be donne, acording to the true intent & meaning of this order; w^{ch} assessment^s of y^e seuerall townes they shall, vnder their hands, forthwith deliuer to y^e Tresu^re^r, who shall forthwith also send forth his warrant^s for y^e levying the same wthin two month^s,

[*88.]
Estimate of all
property for
taxing equally
to be taken.

1646.

4 November.

whereby he may have to answer y^e ingagemen^{ts} of the country. And all assessmen^{ts} for estates shall henceforth be maid the first 4th day of the 6 month from time to time, but all levyes for the p^{ersons} shall be maid & payd vnto y^e Tresurer in the first month, from yeere to yeere, as is provided in the orde^r abovesaid.

[*89.]

The rates proportioned.

Way of rating.

*That a dew ppor^{tion} may be had in all publicke rates, itt is ordered, y^t e^{very} male w^{ith}in this jurisdic^{tion}, servant & other, of the age of 16 yeeres & vpwards, shall pay yeerely vnto the com^{on} treasury y^e some of 20^d, & so in some ppor^{tion}able way for all estates, viz.: Y^t all & e^{very} p^{erson} that have estates shall pay one penny for e^{very} twenty shillings estate, both for land & goods, & y^t e^{very} laborer, artificer, & handicrafts man y^t vsually takes in sum^{mer} time above 18^d p y^e day wages, or worke by the great, w^{ch} by dew vallua^{tion} amounts to more then 18^d p day, shall pay p anⁿ three shillings fflower pence vnto the treasury ouer & besides the 20^d before mentioned, & for all othe^rs not p^{ar}ticularly herein exp^{re}ssed, as smiths of all sorts, butchers, bakers, cookes, victuallers, &c., acording to their retournes and incomings, to be rated ppor^{tion}ably to y^e p^{ro}duce of y^e estates of other men, provided y^t such as are poore by sicknes, lameness, or other infirmity w^{ch} makes them vncapable of such rates, are hereby exempted, as also such servants & children as take no wadges, their m^{as} or parents shall pay for them, but such as take wages shall pay for themselves; the order for exemption of majestrates for 500^l estate to abide in force notw^{ith}standing. And hereby powe^r is given to y^e Treasu^{er} for the yeere being, by warrant to y^e constable, in defect of payment, to attach p^{ersons}, in case goods or lands cannot be found, and also to seize lands or goods for such rates, yett not to medle w^{ith} lands where sufficyent estate of goods or chattells appeare. By both howses.

Shute & Saltonstall case.

Itt is ordered, all things being examined & heard y^t was brought in y^e case of M^r Shurte, plantiffe, & Robt Saltonstall, gen^t, def^t, about a mortgage of an howse called Wanne^tons howse, w^{ch} of their mortgages was valid, and determined y^t Robt Saltonstalls mortgage is valid, & to be p^{re}ferred before y^e mortgage of y^e said M^r Shurte. By both.

Fowle & Smith, proceedings on.

M^r Fowle, being bound for England, & M^r Smith, of another jurisdic^{tion}, the Courte sent for them to vnderstand their answ^r to y^e matter of y^r petic^{ion}, w^{ch} was by them & others exhibited to y^e Courte in y^e 3^d month last. Being asked by y^e Go^unr whether they ouned it, or sawe any evill in it w^{ch} they would retract, after y^e Go^unr declared to y^{em} thay, the Courte, would be willing to take satisfac^{tion} of them, they answered they stood to justify y^e same, being demanded to give in 100^l security to be responsall to y^e judgm^t of y^e Courte; being they were not, or might not be, here when the Courts leasure was to

proceede therein, & they were loth to stay, either of them, from such occasions as they had vnde^rtooke, M^r Smith spake, & said he would not give in security, but did appeale to y^e gen^t co^mission^{rs} for planta^cions, & would engage himself to p^{ro}secute it; & so said M^r Foule, in y^e same exp^{re}ssions. Being asked by y^e Go^vnr whethe^r they did appeale wth delibera^cion, they answered, Yea. Being called in, & demanded againe to give in security to answer y^t matte^r of y^e peti^cion, they refused to answer, M^r Foule saying, if y^e Courte shall drawe vp any chardg agⁿt them as doing wrong to y^t Courte, the Courte were p^{re}tees, & not competent judges; the^refore they stood to their appeale for competent justice. Y^e Courte co^mitted them to y^e custody of the m^rshall till y^{ey} gaue security to be responsall to y^e judgm^t of y^e Cou^rte.

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*The co^mittee, having considered y^e contro^{ver}sie betwene the jurisdic^cion of Hartford, vpon Coⁿnecticut, & the inhabitants of Springfield, on y^e same river, touching either the purchase of y^e fort, &c, at the riuers mouth, or the payment of such customes as is or shall be imposed vpon them towards the maintenance of the same, doe declare their judgm^{ts} as followeth:—

[*90.]

Committee's
report on the
controversy be-
tween the in-
habitants of
Massachusetts
& Connecticut.

1. They conceave y^t y^e jurisdic^cion of Hartford, vpon Coⁿnecticut, had not a legall power to force any inhabitant of another jurisdic^cion to purchase any fort or other lands, out of their jurisdic^cion, wthout their consent.

2. They conceave y^t it were injurious to require custome to y^e maintenance of such a forte, w^{ch} is not vsefull to such of whom it is demanded.

3. They thinke it very vnæquall for them to impose a custome vpon their freinds & confederates, who have not more benefitt of the river, by exporting & importing of goods, &c, then strainge^s of anothe^r nation, who (though they live wthin Hartford jurisdic^cion) pay none.

4. The p^{ro}pounding & standing vpon an imposi^cion & custome, to be paid to y^e riuers mouth by such as were, or are, wthin our jurisdic^cion, hindered our confederac^on above tenn yeeres since, & there neu^r any paid to this day; & now to impose it on any of our confederac^on will putt us to new thought^s.

5. Itt seemes to vs very hard y^t any of our jurisdic^cion should be forced to such a bondage as will nessessarily intrall their posterity, by imposing such rates & customes as will either constraine them to de^pt their habita^cions or weaken much their estates, especially when, as they wth the first tooke possession of the river, & were at great chardge of building, &c, which, if they had foreseene, would not there have planted.

6. If Hartford jurisdic^cion shall make vse of their power ou^r any of ours, wee conceave wee have the same power to imitate them in y^e like kind, w^{ch} wee desier may be forborne on both sides. The whole Courte approoves of this retourne. By both.

1646.

1646. It is resolved on y^e question, & by y^t vote, y^t such deput^s as mee^te at any time, when y^e Courte shallbe adjourned to a sett hower, have power to fine y^e rest y^t shallbe absent at that time, though they be y^e major p^{te} that be absent.

*The petitioners, appearing before the Courte, heard their petition read, out of w^{ch} the Courte gave them this charge. The Courte doth charge Doctor Child, M^r Thomas Fowle, M^r Samuell Mauericke, M^r David Yale, M^r Thomas Burton, M^r Jno: Smith, & M^r Jno: Dande, wth w^{ch} diffuse false & scandalous passages in a certaine paper, intituled a remonstrance & petition exhibited by them to this Courte, in y^e 3^d month last, ag^{nt} y^e churches of X^t & y^e civill gouernment here established, derogating from the honnor & authority of y^e same, & tending to sedition, as in y^e p^{re}dicule's following will appeare: —

2. They open the afflictions wth God hath pleased to exercise vs wth, & y^t to y^e worst appearance, & impute it to y^e evill of our gofiment.

¶ That charge is not thought worthy to a great pile of the people
being presented from y^e Court & universities, as are likewise befalling to all
freeborne English men, inhabitants heere, whereas they are granted only to
such as v^r Gou^r & Company shall thinke fitt to receave into y^e fellowship.

4. They closely insinuate into the minds of y^e people that those now in authority doe intend to exercise an unwarranted dominion & an arbitrary government, such as is shewable in y^e Government, & y^e party in England, thereby to make them slaves; & to hide themselves, they pretend it to be y^e jealousyes of some, w^{ch} some of our y^e gentlemen. They call them of intolerable bondage to enslave.

4. They are dead & void & void of all our laws, & y^e cultural es-
tablishment, & consequently first hostile to them, by y^e swelling the pop-
ulation, & next of y^e body of English laws, & p^{ar}ty through y^e insuffi-
ciency or ill frame of those wee have, they can expect no sure enjoyment of
their lives & liberties under them.

6. They falsely charge vs wth denying liberty of votes, in cases where
 they themselves, as to persons of the same quality, w^{as} content to the non
 freemen wth such as are free.

7. Their speeches tending to sedition, by insinuating into peoples minds
 those w^{ch} indeed were so may be emboldened to discou themselves, & to

attempt some innova^{ti}on, in confidence of so many thousands redy to joyne wth them, & so to kindle a great flame, y^e foretelling whereof is a cheife means to kindle it.

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8. *They raise a falce reporte & fowle slaunder vpon y^e discipline of our churches, & vpon y^e civill goũment, by affirming y^t y^e frame & dispensa^{ti}ons thereof are such as goodly, sober, peaceable, &c, men cannot live heere like X^tians, w^{ch} they seeme to conclude from hence y^t they desier liberty to re-moove where they may live like X^tians.

[*92.]

Continuance of
the charges
against Dr.
Child and oth-
ers.

9. They doe, in effect, chardge this goũment wth tyranny in impressing their p^{er}sons into y^e warres, co^mmitting them to prison, fining, rateing them, & all vnjustly & illegally.

10. They falcely chardge & slaunder the people of God in their affirming y^t X^tian vigilancy is no way excercised towards such as are not in church fellowship, whereas themselves know, & have had experience to y^e contrary; & if they had discerned any such failing, they ought first to have complayned of it in private to y^e elders or bretheren of such churches where they have binn so neglected, w^{ch} wee may well thinke they have not donne, nor had any just cawse thereof.

11. Having throune all this shame & dirte vpon our churches & goũment, they endevor to sett it on, that it might sticke fast, so as all men might vndowbtedly be pswaded of the reallity thereof, by p^{ro}claiming it in their conclu^{si}on y^t our oune bretheren in Eng^ld have full indigna^{ti}on agⁿt vs for the same, w^{ch} they laboured to confirme by y^e effect thereof, that for those evils amongst vs, therefore our oune brethren doe fly from vs as from a pest.

12. Lastly, that it may yett more cleerely appeare that those evils & obliquities w^{ch} they chardge vpon our goũment are not the meere jclousyes of others, but their oune aprehen^{ti}ons, (or pretences rather,) they publickly declared their disaffecti^on thereto, in y^t, being called by y^e Courte to render an accompt of their misap^{re}hen^{ti}ons & evill exp^{re}ssions in the p^{re}misses, they refused to answer, but by appealing from this goũment, they disclaymed the jurisdic^{ti}on thereof before they knew wther [^] would given any sentence agⁿt them or no.

Gen^t: Wee rec^d yo^r letter of May, 1646, concerning your affaires in y^e iron workes here, whereby wee p^{ro}ceede yo^r discontent wth y^e last agreement wee made wth yo^r agent, M^r Leader, & vnde^r y^t p^{ro}voca^{ti}on (as yow seeme to ap^{re}hend it) wee find yo^r stile more sharpe & your conclu^{si}ons more peremptory then rationally, (as wee conceave,) but wee consider yow have binn hitherto loose^rs, & therefore may take leave to speake. For yo^r good affecti^on to our

M^r Leader,
agent for iron
workes, letter.

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4 November.

[*93.]

collony, wee doubt not but it was one principall mo^oon w^{ch} drew yow to this vndertaking, & wee desire euer to p^rsent a gratefull memory thereof, as manifested both by this & other *forraigne testimonyes; but forasmuch as these y^t are neerest y^e obiect are best able to discerne y^e forme & coulour thereof, so yow may vouchsafe to heare our opinions of such conclu^ons as yow have made to yo^rselves, wherevpon yow have taken vp such hard conceites of our compliaunce wth yow: for y^e p^ucule^r grievances yow insist vpon, wee have declared our forwardnes to embrace & nourish your good will by our ready yeilding a redresse of most of them, w^{ch} wee had donne before if wee had supposed yow had reposed so much in them for yo^r advantage as yow now seeme to doe; y^e like wee would have donne before by the rest, if they had not much more p^recured our welfare then yo^r advantage. Wee acknowledge wth yow, y^t such a staple co^modity as iron is agreat meanes to inrich y^e place where it is, both by furnishing this place wth y^t co^modity at reasonable rates, & by bringing in other necessary co^modityes in exchange of iron exported; but as wee vse to say, if a man lives where an oxe is worth but 12^d, yett it is ne^r the cheaper to him who cannot gett 12^d to buy one, so if your iron may not be had heere wthout ready mony, w^t advantage will y^t be to vs, if wee have no mony to purchase it? Itt is true, some men have here Spanish mony sometimes, but litle comes to our smiths hands, especcially those of inland tounes; & yourselves well know, y^t so long as our ingate exceeds our outgate, y^e ballance must needs be made by much wthin such a ppor^oon as it is wth vs, cann leave vs but litle mony once in y^e yeere; w^t monyes our smithes cann gett yow maybe sure to have it before any other; but if wee must want iron so often as our mony failes, yow may easily judge if it were not better for vs to procure it from other places (by our corne & pipestaves, &c) then to depend on y^e coming in of mony, w^{ch} is ne^r so plentiful as to suply for y^t occa^oon; & for y^e other benefitt w^{ch} vsually by staple commodityes, itt is true if yourselves dwelt amongst vs, such advantage would be very great; but when y^e p^reced of w^t shallbe exported ne^r retournes to y^e country, when shall wee expect our advantage? Somw^t indeed will fall by y^e way, w^{ch} willbe expended vpon workemen & p^ricions; but y^t will hardly recompence y^e wood & timber w^{ch}, being in y^e harte of y^e tounes, would have binn of some worth to vs, if but to save y^e carriage of fetching it so much farther, though our lands should not come into vallua^oon, w^{ch} yett is knoune to be of good worth in those tounes where yo^r p^rsent workes are; for y^e other p^rticulers wherein wee haue not graunted yo^r mo^oon, *viz., y^e liberty for y^e whole time to sett vp yo^r workes, the reason of our declaring it is, if those 6 workes should take vp all our fitt places, & when yo^r

[*94.]

terme is expired, some of ours should have meanes to erect any such worke, wee should loose y^e bennefitt thereof, &c; these consideracons wee referr to yo^r further thoughts, hoping y^t yow will so concurr wth vs therein as all future difference maybe avoyded, w^{ch} wee are very vnwilling to entertaine wth such of our loving freinds (as wee accompt yow to be) & yo^rselves in psecution of yo^r reall intencons of our advantage, will please to find out so æquall a way whereby our occacons may be comfortably suplyed, & yourselves encouradged & inabled to pceed on in yo^r vndertakings by the blessing of y^e Lord, vpon w^{ch} our poore prayers are not wanting to. So wee remayne, &c.

1646.

4 November.

Massatusetts in N: Engld.

Whereas Samuell Gorton, John Greene, & Randal Houlden, by petiçon & declaracon exhibited to y^e right honorable y^e Earle of Warwicke, goũr in cheife & comissioners for fforraigne plantacons, as members of y^e high Courte of Parliament, have chardged diũse falce & scandalous matters ag^{nt} vs, wherein their honnors have binn pleased to give vs notice, & doe expect our answ^r for cleering y^e same, wee therefore, the Goũr & Company of Massatusetts aforesaid, assembled in our Gennerall Courte, being carefull to give all dew respect to his lord^{pp} & y^e honorable comission^{rs}, & having good assurance of the wisdom & faithfullnes of yow, our worthy & loving freind, M^r Edward Winslowe, doe heereby give power & comission to yow to appeare before his lord^{pp} & commission^{rs}, & p̄senting our most humble duty & service to their honnors, for vs, & in our names, to exhibit our just remonstrance in way of answ^r to y^e said falce & vnjust chardge of the said Gorton, &c, & by the same & other writtings & instruccons deliuered vnto yow vnder the hand of M^r Increase Nowell, our secret^r, to informe their honnors of y^e truth & reasons of all our pceedings wth y^e said Gorton, &c, & wth y^e disposiçon & behaviour of y^e said Gorton, &c, so as our innocency & y^e justice of our pceedings may appear to their honnors satisfaccon, & if any other complaint in any kind have binn or shallbe made ag^{nt} vs before the said commission^{rs} or the high Courte of Parliament, yow have heereby like power & comission to answ^r on our behalf according to yo^r instruccons; & wee humbly crave of y^e high Courte of Parliament & of y^e honorable comission^{rs}, that they will vouchsafe our said comission^r a free liberty of seasonable accesse as occacon shall require, & a favorable hearing wth such credit to such writtings as he shall p̄sent in our names, vnder the hands of our said secret^r, as if wee had p̄sented them in pson, vpon y^t faith & credit w^{ch} wee would not willingly violate for all worldly advantage; & y^t our said commissioner *may finde such speedy dispatch, & maybe vnder such safe p̄teccon in his stay & retourne as the honorable Courte vseth to

M^r Winslow,
his comission,
&c., to answer
to certain
charges brot:
against the
government.

[*95.]

1646. afford to their humble subjects & servants in like cases. In testimony
hercof, we have cawsed our comon seale to be herevnto affixed. Dated this

4 November.

Dr Child & oth-
ers, further
ceedings there-
on.

The Courte, vpon consideraçon of y^e petiçone's to their chardge, doe finde
y^t they are all depely blameable, both in respect to their remonstrance &
petiçon, excepting M^r Mavericke, who is not blame worthy in y^e matter of ap-
peale, & further finde some of the petiçon^{rs} more guilty then othe's, & there-
fore thinke it just y^t as they finde y^e nature of their offences to be, so they
should receive their censures.

Doctor Childe, as being guilty not only of his offence in the
matter of appeale & remonstrance, but also in chardging
y^e Courte wth breaches of p^riviledges of Parliament, & con-
temptuous speeches & behaviour towards them, is fined
thirty pounds. 050^l 00^s 00^d

M^r Smith, as being guilty of y^e same chardge wth y^e rest, & also
seuerall misdemeano^{rs} towards y^e Cou^rte, being of another
jurisdicçon, & therefore had y^e lesse cawse to complayne,
is fined fferty pounds. 040^l 00^s 00^d

M^r Foule, M^r Yale, M^r Burton, & M^r Dande, ffor chardging y^e
Cou^rte in the p^rticulers acording to y^e chardge drawne vp,
are fined thirty pounds apeece. 120^l 00^s 00^d

M^r Mauricke, for chardging y^e Cou^rte as he doth in y^e remon-
strance, acording to y^e chardge drawne vp ag^{nt} y^e pe-
tiçon^{rs}, wth some vnbeseeming miscarriages wth y^e deput^s,
tending to make diviçon there, is fined 010^l 00^s 00^d

Itt is ordered y^t such of y^e petiçon^{rs} as shall make an ingenuous &
publicke acknowledgmen^t of their misdemeano^{rs}, it shall be accepted as satis-
facçon for their offences, & their fines not taken.

This order was published to them when y^e judgment of y^e Cou^rt was de-
clared; but they all (except M^r Foule, then at sea) refused it. By both howses.

The contradicentes of such member^s of y^e Courte as agreed not wth y^e
judgment of y^e Courte about y^e petiçoners were Richard Russell, Hen: Bar-
tholmew, Bozon Allen, Joshua Hubbard, & Edward Carleton.

Marshall fees
for small sums.

Whereas there appeares some defect in y^e lawe made 2: 9 m, 37, in y^t
no p^rviçon is made for dew recompence to y^e marshall in case where he
shall bee forced to travaile farr for y^e levying of a smale somme, itt is now
ordered y^t in cūy such case, where the ffees appointed for y^e levying of any

execu^cōn, or fyne, or other summe for publicke vse will not answer the tra-
aile, &c, in regard of y^e distance of place, y^e marshall or other office^r shall have
power in such case to demand 6^d y^e mile, & to levy the same vpon refusall, &c.

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4 November.

Itt is ordered, y^t Lef^t Tory, John Whitman, & Tho: Dyer shall have Weymouth,
pow^r to end smale contro^syses vnder 20^s, for y^s yeere, in Weimouth, & Lef^t small causes.
Tory is appointed clarke of y^e writts there. By both howses.

*To y^e Right Honno^{ble} Robt Earle of Warwicke, Gou^{rn}r in cheife, lord admi-
rall, & other y^e lords & gen^t, co^mmission^rs for forraigne planta^cōns. The
humble peti^cōn & remonstrance of y^e Gou^{rn}r & Company of y^e Mathatu-
setts Bay, in New England, in America.

[*96.]

In way of ans^r to y^e peti^cōn & declara^cōn of Sam: Gorton, Randall Houlden,
& John Greene, &c.

Whereas, by virtue of his ma^{ty}s charter, graunted to yo^r peti^cōn^rs, in y^e
4th yeere of his highnes raigne, wee were incorporated into a body politicq,
wth di^sse im^munities & priuiledges, extending to y^t p^{te} of New England where
wee now inhabite, wee doe acknouledge, as wee have alwayes donne, & as in
duty wee are bound, y^t although wee are remooyed out of our native country,
yett wee still have dependance vppon y^t state, & owe allegiance & subiec^cōn
therevnto, acording to our charter; & acordingly wee have mourned & re-
joyced therewth, & have held freinds & enemyes in co^mon wth it in all y^e
changes w^{ch} have befallen it; our care & indevor also have binn to frame our
go^ument & administra^cōns to y^e fundamentall rules thereof, so farr as y^e dif-
ferent condi^cōns of this place & people, & y^e best light wee have from y^e word
of God, will allowe; & whereas, by order from yo^r honno^rs, May 15, 1646,
wee find y^t yo^r honno^rs have still this good opinion of vs as not to creditt
what hath binn informed ag^{nt} vs, before wee be heard, wee render humble
thanks to yo^r honno^rs for y^e same. Yett, forasmuch as our ans^r to y^e infor-
ma^cōn of y^e s^d Gorton, &c, is expected, & something also required of vs, w^{ch}
in all humble submission wee conceave maybe pⁱudiciall to y^e libertyes
graunted vs by our charter, & to our well being in this remote p^{te} of the
world, vnder y^e comfort whereof, through y^e blessing of y^e Lord & his ma^{ty}s
favo^r, & y^e speciall care & bounty of y^e high Courte of Parliament, wee have
liued in peace & p^sperity these 17 yeeres. O^r humble peti^cōn in y^e first place
is, y^t our p^sent & future conformity to yo^r orders & direc^cōns maybe accepted
wth a salvo jure, y^t when times maybe chaunged, (for all things here belowe
are subiect to vanity,) & other princes or Parliaments may arise, y^t gennera-
cōns succceeding may not have cawse to lament, & say England sent our fa-
thers forth wth happy libertyes, w^{ch} they enjoyed many yeeres, notwthstanding

Petition and
remonstrance
to Earl War-
wick & com-
missioners.

1646.

4 November.

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all y^e enmity & opposi^{ti}on of y^e place & other potent adversaries; how came we, then, to loose them vnder y^e favo^r & p^{ro}tec^{ti}on of y^e state, in such a season, when England itself recouered its oune, in freto viximus, in portu morrimur. But wee confide in yo^r honno^rs justice, wisdome, & goodnes, y^t our posterity shall have cawse to rejoyce vnder y^e fruite & shelter thereof, as ourselves & many others doe, & therefore are bold to represent to yo^r honno^rs our apphen^{si}ons wherevpon wee have thus p^{re}sumed to peti^{ti}on yow in this behalfe. Itt appeares to vs by y^r, *y^t wee are conceaved to have transgressed our limitts by sending souldiers to fetch in Gorton, &c, out of Shawwamett, in y^e Narragansett Bay. 2. Y^t wee have either exceeded or abused our authority in banishing of them out of our iurisdic^{ti}on when they were in power. For the first wee hereby crave, for your better satisfac^{ti}on, that your honno^rs will be pleased to pvse what wee have delivered to y^e care of M^r Edward Winslow, our agent or com^{mi}ssioner, whom wee have sent of purpose to attend yo^r honno^rs, concerning our p^{re}cedings in y^t affaire, & y^e grounds thereof, w^{ch} are truly & faithfully reported, & y^e letters of y^e said Gorton & his company, & other letters conc^{er}ning him, faithfully copped out, not verbatim only, but even litteratim, acording to their oune bad English. Y^e originalls wee have by vs, & had sent them but for casualty of y^e seas. Thereby it will appeare w^t the men are, & how vnworthy your favo^r; thereby also will appeare the wrongs & p^{ro}vocations wee received from them, & our long patience towards them, till they became our p^{ro}fessed enemyes, wrought vs disturbance, & attempted our ruine, in w^{ch} case our charter, as wee conceive, gives vs full power to deale wth them as enemyes by force of armes, they being then in such place where wee could have no right from them by civill justice, w^{ch} y^e com^{mi}ssion^rs for, &c, finding, & y^e necessity of calling them to an accom^{pt}, left the buisnes to vs to doe; for y^e other p^{ar}ticular in yo^r honno^rs order, viz^t, y^e banishment of Gorton, &c, as wee are assured vpon good grounds y^t our sentence vpon them was lesse then their deserving, so wee conceive wee had sufficient authority by our charter to inflict the same, having full and absolute power & authority to punish, pardon, rule, gouerne, &c, graunted vs therein. Now, by occasi^on of y^e said order, those of Gortons company beginn to lift vp their heads, & to speake their pleasures of vs; threatening y^e poore Indians, who, to avoyd their tyranny, had submitted themselves & their lands vnder our p^{ro}tec^{ti}on & go^{ve}rnment; & di^{ve}rse other sachems, following their example, have donne the like; & some of them brought by y^e labors of one of our elders, M^r John Eliott, (who hath obtayned to preach to them in their oune language,) to good forwardnes, in imbracing y^e knowledge of God in X^t Jesus; all w^{ch} hopefull beginnings are like to be dashed, if Gorton, &c, shall bee counte-

nanced & vpheld ag^{nt} them & vs, w^{ch} also will indanger our peace here at home; for some amongst ourselves, men of vnquiett spiritts, affecting rule & innova^{on}, have taken bouldnes to pferr scandalous & seditious peti^{on}s for such libertyes as neither our charter, nor reason, nor religion will allowe; & being called before vs in open Courte to give accomp^t of their miscarriage therein, they have threatned vs wth yo^r honno^s authority, & before they knew whether *wee would pceede to any sentence ag^{nt} them or not, have refused to answer, but appealed to yo^r honno^s. Y^e copy of their petition, & our declaration therevpon, our comission^r hath ready to p^sent to yow when your leisure will pmitt to heare them. Their appeals wee have not admitted, being assured y^t they cannot stand wth y^e liberty & power graunted vs by our charter, nor willbe allowed by yo^r honno^s, who well know it would be destructive to all go^ument, both in y^e honnor & also in y^e power of it, if it should be in y^e liberty of delinquents to evade y^e sentence of justice, & force vs, by appeales, to ffollow them into England, where the evidences & circumstances of facts cannot be so cleerely held forth as in their pper place. Besids the insupportable chardges wee must be at in y^e psecution thereof, these considera^{on}s are not new to your honno^s & y^e high Courte of Parliament, the records whereof beare wittnes of y^e wisdome & faithfullnes of our auncestors in y^t great councell, who in those times of darknes, when they acknowledged a supremacy in y^e Bp^o of Roome in all cawses ecclesiasticall, yett would not admit appeales to Roome to remoove cawses out y^e Courts in England; besids, although wee shall redily admitt y^t y^e wisdome & experience of that great councell, & off yo^r honno^s as apte thereof, are farr more able to pscribe rules of go^ument, & to judge of cawses, then such poore rustickes as a wildernes cann breede vp, yett, considering y^e vast distance betweene England & these p^ts, (w^{ch} vsually abate the vertue of y^e strongest influences,) your councells & judgments could neither be so well grounded, nor so seasonably aplyed, as might either be so vsefull to vs, or so safe for yo^rselves in yo^r dischardge in y^e great day of accomp^t, for any miscarriages w^{ch} might befall vs while wee depended on yo^r councell & helpe, w^{ch} would not seasonably be administred to vs; whereas if any such should befall vs when wee have y^e go^ument in our oune hands, y^e state of England shall not ans^r for it. In considera^{on} of y^e p^mises, our humble peti^{on} to yo^r honno^s in y^e next place is, y^t yo^r honno^s willbe pleased to continew yo^r favorable aspect vpon these infant planta^{on}s, y^t wee may still rejoyce, & blesse our God, vnder yo^r shadow, & be there still nourished, tanquam calore et rore cœlesti; & whiles God ounes vs for a people of his, he will oune our poore prayers for yow & yo^r goodnes towards vs for an abundant recompence; & this in especiall if

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Against blaspheming y^e name of God.

1. Blasphemy
to be punished
with death.

Albeit faith be not wrought by y^e sword, but by y^e word, & therefore such pagan Indians as have submitted themselves to our gouernment, though wee would not neglect any dew helpes to bring them on to grace, & to y^e meanes of it, yett wee compell them not to y^e X'tian faith, nor to y^e p'fession of it, either by force of armes or by p'cnall lawes, neūthelesse, seing the blaspheming of y^e true God cannot be excused by any ignorance or infirmity of humane nature, y^e æt'ernall power & Godhead being knowne by y^e light of nature & y^e creation of y^e world, & cōmōn reason requireth euery state & society of men to be more carefull of p'reventing the dishonnor & contempt of y^e Most High God (in whom wee all consist) then of any mortall princes & magistrates, itt is therefore ordered & decreed by this Courte, for y^e honno^r of y^e æt'ernall God, whome only wee wor^{sh}p & serve, that no p'son wthin this iurisdicōn, whether X'tian or pagan, shall wittingly & willingly p'sume to blaspheme his holy name, either by wilfull or obstinate denying y^e true God, or rep'oach y^e holy religion of God, as if it were but a polliticke deuise to keepe ignorant men in awe, or deny his creation or goūm^{nt} of y^e world, or shall curse God, or shall vtter any other eminent kind of blasphemy of y^e like nature and degree; if any p'son or p'sons wthsoeuer, wthin our iurisdicōn, shall breake this lawe, they shallbe putt to death. By both.

Pawwawing,
penalty for.

Itt is ordered & decreed by this Courte, y^t no Indian shall at any time pawwaw or p'forme outward wor^{sh}p to their falce gods or to y^e devill vpon any land or ground w^{ch} is p'per to y^e English. If any of them transgresse this lawe, they shall pay for eūy seuerall offence tenn pounds. This lawe to extend also to all such offendo^rs as are out of our iurisdicōn, but doe come in hither, & to such as p'cure them to come in, & to such m^rs of families as shall assist or countenance such pawwawing by their p'sence or otheruise, y^e p'curer five pounds, y^e pawwawe^r five pounds, & eue^r such assistant twenty shillings. By both.

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*Though no humane powe^r be lord ouer y^e faith & consciences of men, & therefore may not constreine to beleive or p'fesse ag^{nst} their conscience, yett becawse such as bring in damnable heresy^es, tending to y^e subvercōn

of y^e X^tian faith & destrucc^on of y^e soules of men, ought dewly to be restreyned from such notorious impiety, itt is therefore ordered & decreed by this Courte, y^e if any X^tian wthin this jurisdic^on shall goe about to subvert & destroy y^e X^tian faith & religion, by broaching or maintaining any damnable heræsy, as denying y^e immortallity of y^e soule, or y^e resurrecc^on of y^e dead, or any sinn to be repented of in y^e regennerate, or any evill donne by y^e outward man to be accompted sinn, or denying that Christ gave himself a ransome for our sinnes, or y^t wee are justified by his death & righteousnes, but by y^e p^fec^on of our oune workes, or denying y^e morallity of y^e fowerth co^mmandment, or any other heræsy of such nature & degree, euery such p^{son} continewing obstinate therein, after dew meanes of conviction, shall pay to y^e co^mon treasury, during the first six months, twenty shillings a month, & for y^e next six month fferty shillings p month, & so to continew during his obstinacy; & if any such p^{son} shall endeavor to seduce others to y^e like heræsy or apostacy from y^e faith & religion of our Lord Jesus Christ, he shall forfeite to y^e co^mon tresury, for eu^y seuerall offence therein, five pounds. By both.

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Heræsy
punishable by
fine.

Forasmuch as in those countreyes where y^e churches of X^t are seated, y^e p^{ro}sperity of y^e civill state is much advanced & blessed of God, when y^e ordinances of true religion & publicke worshipp of God doe finde free passage in purity & peace, therefore, though wee doe not judge it meete to compell any to enter into y^e fellowship of y^e church, nor force them to p^{re}take in y^e ordinances peculiar to y^e church, (w^{ch} doe require voluntary subiecc^on therevnto,) yett, seing y^t y^e word is of gennerall & co^mon lehoofe to all sorts of people, as being y^e ordinary meanes to subdew y^e harts of hearers, not only to y^e faith & obedience to y^e Lord Jesus, but also to civill obedience & allegiance vnto magistracye, & to just & honest coⁿsua^on towards all men, itt is therefore ordered & decreed, y^t wheresoe^{er} y^e ministry of y^e word is established, acording to y^e order of y^e gospell, throughout this jurisdic^on, eu^y p^{son} shall dewly resorte & attend therevnto respectively vpon y^e Lords dayes, & vpon such publicke fast dayes & dayes of thanksgiving as are to be gennerally held by the appointment of authority; and if any p^{son} wthin this jurisdic^on shall, wthout just & necessary cawse, wthdrawe himself from hearing y^e publicke ministry of y^e word, after dew meanes of convic^on vsed, he shall forfeite for his absence from eu^er such publicke meeting five shillings. By both.

Contempt of
publick wor^{sh}p
by being absent
fined.

*Itt is ordered & decreed by this Courte, y^t if any p^{son}, wther in church ffellowshipp or out of it, shall goe about to destroy or disturbe y^e order of the churches here established, by open renouncing their church

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estate or their ministry, or other ordinances dispensed in them, either vpon ptence y^t y^e churches were not planted by any new apostles, or y^t ordinances are for carnall X^tians or babes in X^t, & not for spirituall & illuminate psons, or vpon any other such like groundlesse conceipt, eūy such pson who shallbe found culpable herein, after dew meanes of convicōn, shall forfeite to y^e publicke treasury fforty shillings for eūy month, so long as he continewes in his obstinacy. By both.

Penalty ag^{nt}
swearing.

Itt is ordered & decreed, y^t if any pson wthin this iurisdicōn shall sweare rashly & vainely, either by y^e holy name of God or any other oath, he shall forfeite to y^e comōn treasury for eūy such seuerall offence ten shillings; and it shallbe in y^e power of any majest to call such pson before him, by warrant to y^e constable, & vpon suffeyent pffe to passe sentence, & levy y^e said penalty acording to y^e vsuall order of justice; and if such pson be not able, or shall vtterly refuse to pay the aforesaid fine, he shallbe comitted to y^e stockes, there to continew not exceeding three howers, & not lesse then one howre. By both.

Order for y^e
civilizing y^e In-
dians.

Considering y^t one end in planting these p̄ts was to ppgate y^e true religion vnto y^e Indians, & y^t diūse of them are become subiect to y^e English, & have engaged themselves to be willing & ready to vnderstand y^e lawes of God, itt is therefore ordered & decreed y^t those necessary & wholesome lawes w^{ch} maybe made to reduce them to civillity of life shallbe once in y^e yeere (if times be safe) made knoune to them by such fitt psons as y^e Courte shall nominate, having y^e helpe of some able interpter wth them; considering also y^t interptacōn of tounge is an appointment of God for ppgating y^e truth, & may therefore have a blessed successe in y^e harts of others in dew season, itt is therefore further ordered & decreed y^t two ministers shallbe chosen by y^e elde^rs of y^e churches eūy yeere at y^e Courte of Eleccōns, & so be sent, wth y^e consent of their churches, wth whomsoeūr will freely offer themselves to accompany them in y^t service, to make knoune y^e heavenly counsell of God amongst y^e Indians in most familiar manner, by y^e help of some able inte^rpter, as may be most availeable to bring them to y^e knowledge of y^e truth, their conuercōn to Jesus X^t, & for this end y^t something maybe allowed them by the Genne^rall Courte to give away freely vnto those Indians whom they shall pccave most willing & ready to be instructed by them. By both.

Forasmuch as y^e open contempt of Gods word & messengers thereof y^e desolating sinn of civill states & churches, & y^t y^e preaching of y^e word by those whom God doth send is y^e cheife ordinary meanes ordeyned of God for y^e conuerting, ædifying, & saving of y^e soules of *y^e elect through y^e p^resence & powe^r of y^e Holy Ghost the^rvnto p^romised, & y^e ministry of y^e word is sett

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vp by God in his churches for those holy ends, & according to y^e respect & contempt of the same, & of those whom God hath sett aparte for his oune worke & imployment, y^e weale or woe of all X^tian states is much furthered & p^rmot^d, itt is therefore ordered and decreed, y^t if any X^tian, so called, wthin this iurisdic^on, shall contemptuously behaue himself towards the word p^reach^d or the messengers thereof called to dispen^ce y^e same in any congrega^tion, when he doth faithfully execute his service & office therein according to y^e will & word of God, either by interrupting him in his preaching, or by chardging him falcely wth error w^{ch} he hath not taught in y^e open face of y^e church, or, like a sonne of Corah, cast vpon his true doctrine or himselfe any reproach to y^e dishonⁿor of y^e Lord Jesus X^t, who hath sent him, & to y^e disparagement of y^t his holy ordinance, & making Gods wayes contemptible & ridiculous, e^uly such p^{er}son or p^{er}sons, wthsoeuer censure y^e church may passe, shall for the first scandall be conu^ented & repoo^{er}ued openly by y^e magist^r at some lecture, & bound to their good behavi^ure; & if a second time they breake forth into y^e like contemptuous carriages, either to pay five pounds to y^e publicke treasury or to stand two howe^rs openly vpon a blocke of fower foote high on a lecture day, wth a paper fixed on his *his* breast with this: A Wanton Gospeller, written in capitall letters, y^t others may feare & be ashamed of breaking out into the like wickednes. By both.

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Contempt in
house of wor-
ship, penalty
for.Wanton gos-
pellers.

If any child above sixteene yeeres old, & of sufficyent vnde^rstanding, shall curse or smite their naturall father or mother, they shall be putt to death, vnlesse it can be sufficyently testified y^t y^e parents have binn very vn^xianly negligent in y^e educa^toⁿ of such children, or so p^ruoked them by extreame & cruell correction y^t they have binn forced therevnto to p^resc^rue themselves from death or mayming. By both.

Smiting of par-
ents, penalty
death.

If a man have a stubborne or rebellious sonne of sufficyent yeeres of vnderstanding, viz., 16, w^{ch} will not obey y^e voyce of his father or y^e voyce of his mother, & y^t when they have chastned him will not harken vnto them, then shall his father & mother, being his naturall parents, lay hold on him, & bring him to y^e majestates assembled in Courte, & testify to them by sufficyent evidence y^t this their sonne is stubborne & rebellious, & will not obey their voyce & chasticement, but lives in sundry notorious crimes, such a sonne shall be putt to death. By both.

Rebellious
children, pun-
ishment of.

Iff any man shall wittingly burne or otherwise destroy any frame timber, hewed heapes or stackes of woode, coales, corne, hay, strawe, hempe, or flax, he shall restore double damage to y^e ouno^r.

Burning
howses, &c.

Itt is ordered, y^t if any p^{er}son of age of discretion p^ressing, or having p^ressed, X^tianity, shall deny y^e Holy Scriptires to be y^e word of God, or not

Denying y^e
Scriptures.

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Kindling of
fires in y^e
woods.

to be attended to by illuminated X^tians, & shall continew obstinate after dew meanes of convic^{ti}on, he shall be putt to death. By both.

*Whosoe^ur shall kindle any fires in y^e woods before y^e tenth day of y^e first month, or after y^e last day of y^e 2^d month, or on y^e last day of y^e weeke, or Lords day, shall pay all damages y^t any pson shall loose thereby, & halfe so much to y^e co^mon treasury. By both.

Servants resti-
tu^{ti}on.

All servants & workemen imbezling y^e goods of their masters, or such as sett them on worke, shall make restitu^{ti}on, & be as liable to all lawes & p^onal-tyes in y^t behalf as other men. By both.

Gaming.

Itt is ordered, y^t if any pson shall at any time play or game for any mony or monyes worth, e^uy such pson shall forfeite treble y^e valew of y^t so played or gained for to y^e co^mon treasury, halfe to y^e p^oty enforming thereof. By both.

Robbing or-
chards.

Itt is ordered by this Courte, y^t if any pson shall be taken or knoune to rob any orchard or garden, y^t shall hurte or steale any graftes, or fruite, or fruitetrees, any linnen, woollen, or any other goods y^t shallbe left out in orchards, gardens, backsides, or any other place in howse or feilds, or shall steale any wood from y^e waterside, from mens doores or yards, he shall forfeite treble damages to y^e owner thereof; & if they be children or servants y^t shall trespasse herein, if their parents or m^s will not pay y^e p^onalty before ex-^pssed, they shallbe openly whipte. By both.

Prudentiall Lawes.

Idle persons to
be set to work.

Euery touneshipp, or such as are deputed to order y^e prudentiall affaires thereof, shall have power to p^osent to y^e Quarter Courte all idle & vn^pffitable psons, & all children who are not dilligently imployed by their parents, w^{ch} Courte shall have power to dispose of them for their oune welfare, & imp^ovement of y^e co^mon good. By both.

Tile earth for
house cover-
ing.

Tyle earth, to make saleware, shallbe digged befo^{re} y^e 1th of y^e 9^m, & turned ouer in y^e last or 1th month ensewing, a month before it be wrought; & whosoe^uer breakes this order shall forfeite to y^e vse of y^e co^mon treasury halfe so much tile as shallbe otheruise made. By both.

Inning of har-
vest.Mechanicks to
work in fields
if necessary.

Becawse y^e harvest of hay, corne, flaxe, & hempe comes vsually so neere together that much losse can be hardly avoyded, itt is ordered and decreed by this Courte, y^t y^e constables of e^uy toune, vpon request made to them, shall require artificers or handicrafts men to labor or worke by the day for their neighbors, needing them in mowing, reaping, and iⁿing thereof; & y^t those whom they helpe shall dewly pay them for their worke; & if any pson so required shall refuse, or y^e constable neglect his office herein, they shall each

of them pay to y^e vse of y^e poore of y^e toune double so much as such a dayes worke comes vnto, provided no artificer, &c, shall be compelled to worke for others whiles he is necessarily attending on like buisnes of his oune. By both.

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*Euery baker shall have a distinct marke for his bread, and keepe y^e true assizes, as hereafter is exp^{ss}ed, viz.: when wheate is ordinarily sold at their seuerall rates, y^e 1^d white loafe by averdepoyce shall weigh

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1^d 11 $\frac{3}{4}$, 1 $\frac{1}{4}$. When wheate is sold at 3^s p bush; y^e wheaten, 17 $\frac{3}{4}$, $\frac{1}{4}$; y^e howsehold, 23 $\frac{3}{4}$. Bakers bread, regulation of.

When wheate is sold at 3^s 6^d, 10 $\frac{3}{4}$; wheaten, 15 $\frac{3}{4}$; howsehold, 20 $\frac{3}{4}$.

When wheat is sold at 4^s, 9 $\frac{3}{4}$; wheaten, 14 $\frac{3}{4}$; howsehold, 18 $\frac{3}{4}$.

When wheate is sold at 4^s 6^d, 8 $\frac{3}{4}$; wheaten, 11 $\frac{3}{4}$; howsehold, 16 $\frac{3}{4}$.

When wheate is sold at 5^s, 7 $\frac{3}{4}$; wheaten, 11 $\frac{3}{4}$; howsehold, 15 $\frac{3}{4}$.

When wheate is sold at 5^s 6^d, 7 $\frac{3}{4}$; wheaten, 10 $\frac{3}{4}$; howsehold, 14 $\frac{3}{4}$.

When wheate is sold at 6^s, 6 $\frac{3}{4}$; wheaten, 10 $\frac{3}{4}$; howsehold, 13 $\frac{3}{4}$.

When wheate is sold at 6^s 6^d, 6 $\frac{3}{4}$; wheaten, 9 $\frac{1}{2}$; howsehold, 12 $\frac{1}{4}$.

Under the penalty of forfeiting all such bread as shall not be of y^e seuerall weights as is above men^{co}ned, to the vse of the poore, W^m Parkes & W^m Stilson are appointed clarke of the markett, & authorized hereby to see to y^e execu^{co}n & pformance of this order. By both. Clarke of y^e market.

Itt is ordered by this Courte, y^t where wood is brought to any toune or howse by boate, it shallbe thus accompted & assized.

4 tonnes	shall be accompted for 3 loads;	12 tonnes,	9 loads;	20 tonnes,	15 loads.	Sizing of wood.
6 tonnes	"	4 $\frac{1}{2}$ "	; 14 "	10 $\frac{1}{2}$ "	; 24 "	18 $\frac{1}{2}$ "
8 tonnes	"	6 "	; 16 "	12 "	; 28 "	21 "
10 tonnes	"	7 $\frac{1}{2}$ "	; 18 "	13 $\frac{1}{2}$ "	; 30 "	22 $\frac{1}{2}$ "

&c. By both.

Judicijall Proceedings.

If any pson shall wittingly forge any deed of conveyance, testament, bond, bill, release, acquittance, letter of attorney, or any writing to pvert justice & æquity, he shall stand in the pillory three seuerall lecture dayes, & render double damage to y^e pty wronged, & disabled to give any evidence or verdict to any Courte or magis^{ts}. By both. Forging of deeds.

If any man shall vnjustly, of meere malice, commence or psecute any action, sute, complaint, or indictment in his oune name, or in the name of others, to y^e vexa^{co}n of any pson, he shall pay treble damages to y^e pty greived, & be fined forty shillings to the comon treasury. By both. Comon barretting.

Keepers of comon prisons shall receive all prisoners brought to them by

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Keep's of pris-
ons.

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An out lawe.

warrant from any magis^{te} wthout taking any ffees of y^e p^{ty}es that bring them, vnder the penalty of five pounds for euery offence. By both.

*If any pson shallbe indicted of any capitall crime, who is not then in durance, shall refuse to render his pson to some magis^t wthin one moneth after three p^lamations publickely made in the toune where he vsually abides, there being a moneth betwixt proclama^cõn & p^lama^cõn, his lands & goods shallbe seized on to y^e vse of y^e com^õn treasury till he makes his lawfull appearance, & such wthdrawing of himself shall stand insteede of one witnes to p^{ro}ve his crime, vnlesse he cann make it appeare to y^e Courte y^t he was necessa- rily hindered from such appearance.

Penalty for
not raising
hues & cryes.

Iff any officer, or other, shall refuse to doe their best endeavor in raising & prosecuting hue & cryes by foote, & if neede be by horse, after such as have comitted capitall crimes, they shall forfeite for c^uy offence to y^e com^õn treas- ury fforty shillings — such hues & cryes as be allowable by lawe.

Chardge of
malefactors.

Such malefactors as are comitted to any com^õn prison shallbe conveyed thither at their oune chardge if they be able, otheruise at y^e chardge of y^e country.

Com^õn treasu-
ry a publick
heire.

Where no heire or owner of howses, lands, tenements, goods, or chattells cann be found, they shallbe seized to y^e publicke treasury till such heires or owners shall make dew claime thereto, to whom they shallbe restored vpon just & reasonable termes.

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26 May.

[*107.]

**Att a Gennerall Courte of Elec^cõn, held y^e 26th of y^e 3 M^o:
1647.*

John Winthrop, Seⁿ, Esq^r, was chosen Go^unr.

Thomas Dudley, Esq^r, was chosen Dep^t Go^unr, } & Com^õission^rs for
J^o Endecott, Esq^r, was chosen & Assistant, & } y^e Vnited Collonyes.
Majo^r Genn^tt.

Assistants, Rich: Bellinghm, Esq^r,
Herbert Pelham, Esq^r,
Rich: Saltonstall, Esq^r,
John Winthrop, Juⁿ, Gen^t,
Increase Nowell, Gen^t, Secretary,
Simon Bradstreet, Gen^t,
Thomas Flynt, Gen^t,
W^m Hibbens, Gen^t,

Sam: Symonds, Gent,
 W^m Pinchon, Gent,
 Cap^t Robt Bridges, Gent.

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Mr Tho: Dudley & Mr Joh Endecot, Comission^rs.

Rich: Russell, Gent, was chosen Treasu^ror.

The names of y^e Depu^{ts} sent to y^e Genne^rall Courte was

Mr Joseph Hill, Speaker.

[Thus far by Mr. Rawson. Then to the end of page *110 in the handwriting of Mr. Torrey.]

Left Lathrop,	Mr Du ^m er,
Jacob Barney,	Mr Rawson,
Lieu ^t Norton,	Tho: Dyer,
Mr Joseph Hills,	Mr Allen,
Mr Glouer,	Mr Jos: Hubbard,
Lieu ^t Clapp,	Mr Griffin,
Major Gibbons,	Henry Chickering,
Mr W ^m Tynge,	Joh Kinsbury,
John Johnson,	Mr W ^m Hooke,
W ^m Parkes,	W ^m English,
Mr Rich: Browne,	Mr Edw: Charlton,
Mr Pendleton,	Mr Brigham,
Mr Holliokey,	Steven Kinsley,
Mr Sparhawke,	Cap ^t Pelham,
Mr Edw: Jackson,	Mr Brewin.
Mr Robt Payne,	
Mr W ^m Bartholomew,	
Lieu ^t Edw: Johnson,	
Mr W ^m Fiske,	
Mr Robt Clements.	

IT is ordered by the authoritie of this Court, that henceforth such as keepe howses of entertaynm^t, clarks of the writts, & comission^rs for small causes, shalbe *licensed at the County Courts where they liue, or at the Courts of Assistants, to avoyd trouble to this Court. [*108.]

At the request of the inhabitants of Exeter, Sergeant Thomas Pettett hath power ^ ^ ^

It is ordered by this Court & authoritie thereof, that some one or more of the magis^{ts}, as they shall agree, shall once every quarter keep a Court at such place or places where the Indians vse to assemble to heare the word, who shall here & determine all causes, both ciuill & criminall, not being capitall, concerning the Indians only; & that the Indian sachems shall haue libtie to Indians, court for their benefit to be held.

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take order as to suimões or atatchm^{ts}, to convent offenders, & to keep a Court themselues once a month, if they see cause, to determine small causes of a ciuill nature, & such small criminall cases as shalbe referd to them by the s^d magistrates; & the s^d sachems shall appoynt officers to serue warrents & to execute the s^d orders & judgm^{ts} of either of the s^d Corr^{ts}, w^{ch} officers shallbe allowed from time to time by the s^d magis^{ts} in the s^d Quarter Court or by the Govⁿ; & that all fines imposed on any of the Indians at such Courts shalbe bestowed on the building of some meeting howse, or educatiō of their poorer children in learning, or other publicke vse, by the advice of the s^d magistrate and M^r Eliott, or such other as shalbe their ordinary instructors; & it is desired that o^r s^d magistrates will endeavour to make Indians vnderstand o^r most vsefull lawes, & those principals of justice & equitie wherevppon they are grounded.

Mr Elliot
granted £10.

It is ordered, that 10^{li} be giuen M^r Eliott as a gratuitie from this Court in respect of his paynes in instructing the Indians in the knowledge of God, & that order be taken that the 20^{li} p^a añū giuen by the Lady Ermin for y^t purpose may be called for & imploied accordingly.

Hull, fishery
encouraged.

There being now diuers ffreemen & men of good abillity in Hull who may comfortably carry on the affayres of a towne they are enabled by the authoritie of this Court to order the pruden^t mayres of y^t towne, according to former orders of this Court & course of other plantations, p^{ro}vided that, according to former orders of Court they endeavour the aduancem^t of fishing, & that such fishermen as are there already & others w^{ch} shall come thither may haue all such reasonable priuiledges & encouragement^t as the place will afford, & that such places as are fitt for fishermen may be reserued for that purpose; & wth this caution also, that *that* W^m Parkes, M^r Glouer, & M^r Duncan, or any two of them, be appoynted to se the order of Court for aduance of ffishing duely obserued.

Michaell Smyth being vnder a fine for putting in of three beanes for one magistrate, his fine is respited till farther order from this Court.

Petition of D.
Winthrop.

[*109.]

Land graunted
Sir R.
Saltontonstall.

Vppon the petition of M^r Adam & Deane Winthrop for the 1000 acres of land graunted to Sir Richard *Saltingstall on Cochichowick, & by him to his sonne M^r Robt, & by them bought of him, this thowsand acres is granted in a necke of land lying between the pond there & a small brooke ruīnge into the s^d pond, & bounding on the east, south, & west p^t, or some of them, & the farme lately granted to M^r Dunster, president of the colledge, on the northerly p^t; & if there fall out to be more than a 1000 acors wthin the s^d bounds, this Courte graunts the rest due to M^r Deane Winthrop as a p^t of the

land due to his honor^d father, p^rvided that it hinder not any former p^ringagements, & that they demaund them wthin six moths after the 29th p^rsent, as also that the quantitie desired by him exceed not that w^{ch} is due to o^r honor^d Go^vnr; & Cap^t Pelham wth Mr Pendleton are appoynted to see it layd out at the owners charge.

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Water Tybbot is appoynted to draw wine at Glo^č, paying 20^s p^r aⁿum rent; and Mr Steuens is appoynted to be a 3^d mā to end small causes there.

Whereas this Court hath long since p^rvided that all men should feⁿ there corne, meddow, & such like agaynst great cattle, to the end the increase of cattle, especially cowes & their offspring, should not be hindred, there being then but few horses in the country, which since are much increased, many whereof run in a s^ort wild, doing much damag in corne & other things, notwithstanding fences made vp according to the true intent of the order in that case established, many whereof are vnknowne, most so vnruely that they cannot be caught, whereby their owners might answer damages, or, if they be, yet are in danger of pishing before their owners appeares, all w^{ch} to p^rvent, it is ordered by this Court, that euery towne & peculier in this jurisdiction shall giue so^m distinct marke, letter, or other, wth pitch or such like, to all their cattle which feed in open common without constant keepers, which marke shalbe agreed & ordred by the Gent^l Court from year to year, whereby it may be knowne to what towne they doe belonge; & if any trespas, not so marked, they shall pay double damage; nor shall any pson, knowing, or after due notice giuen, of any beast of his to be vnreasonable in respect of fences, suffer him or them to goe in co^mon, or agaynst corne feilds or other impropriated or inclosed grounds, fenced as affores^d, wthout such sufficient shackells & fetters as may restrayn & p^rvent trespas from time to time; & if any horse, horses, or any other beast trespass in corne or other inclosure, being fenced in such sort as serues ag^t cowes, oxen, & such like orderly cattle, the p^rtyes trespassed shall p^rcure two suffieyent inhabitants of that towne, psons of good repute, to view & judg the harmes, which the owner of the beast shall satisfy, wⁿ known, vpon reasonable demaund, whether the beast were impounded or not; but if the owner be knowne, or neere residing, he shall forthwth haue notice of the trespas charged vpon him, that if he approue not thereof, he may nominate *one man, with one such other chosen by the p^rty dammaged, who shall review & adjudge the s^d harmes, p^rvided they agree of damag wthin one day after due notice giuen, & that no after harmes interuene to hinder it, which being forthwth discharged, to gether with the charg of the notice, former view, &

Cattle to be
mark'd.

[*110.]

1647. determination of damage, the first judgm^t shalbe voyd, or else to stand good in law.

26 May.

M^r Samuell Dudley, M^r Batt, & Rob^t Pike are appoynted to end small causes at Salisbury, & M^r Samuel Dudley is appoynted to associat in the Court at Ipswich.

Secretary to write M^r Dougherty to appear on M^{rs} Cole's affairs.

To M^r Francis Doughtie: You may vnderstand, M^{rs} Elizabeth Cole having petitioned o^r Gen^l Court, the Court hath thought meet to order as followeth: Thō nothing was shewed in the six moths, limited by the Court of Assistants, why the deed should not be cancelled, nor nothing since which may cause vs to question the former verdict & judgm^t, yet, for the more full satisfaction of the petition^r, & that the justice of the Court in the triall affore^sd may appeare, it is now ordred, that a tre shall be written by the secretary, & by a trusty messenger be forthwth sent to the s^d Fraunces Doughty, expressing therein the effect of the s^d petition, which is for her evidence to be made good, which is cancelled, that thereby releife & supply of mayntenance may redound to yo^r p^{et}ion^rs account, & wthall desiring him to come or send to the Court an authentick coppie of that deed, or release, or other instruments or evidences, which in Court he formerly p^{ro}duced, & wherevpon the verdict & judgm^t p^{ro}ceeded with all convenient speed, withall giuing him to vnderstand that if he shall fayle to satisfye the just & reasonable desire of the Court herein, the Court is resolved to p^{ro}ceede by all legall wayes to doe what may most tend to the clearing of the justice of the Court, & full satisfactiō of the petition^r according to equitie.

Order in military matters.

Whereas the order of the 9th moth, 1636, seems to limitt the elections of military officers in the seūall townes to such only as are of the trayned bands, & so thereby all such ffreemen as are exempt from ordinary trayning shouldbe bar^d from having any voates in such elections, it is hereby declared & ordered, that eūy freeman shall haue his vote in such elections as if he were of the trayned band, any thing in that or any other law to the contrary notwthstanding; p^{ro}vided that eūy freeman shalbe bound to take notice of the time of such election at open declaration thereof at any gen^l meeting of such trayned band.

Joh Baker is lycenced to draw wine at Ipswich, according to order.

The morgage of three p^{re}cells of land, by John Alcock to W^m Parkes, is herby confirmed.

[Pages *111, *112, and *113 are in the handwriting of Mr. Rawson.]

[*111.]

Widow Wilson allowed £23.

*In ans^r to y^e peti^{ti}ōn of y^e wyddow Wilson, on y^e retourne of y^e cōmittee, M^r Colborne & John Johnson, the Courte found y^t twenty three pounds, dew

for expences hir husband was at for laying out of chardges in the prison, & to be allowed hir. By both.

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26 May.

For explanacon of y^e order in y^e liberty about 6 dayes warning to be given to y^e deff^{ts} in eu^y action, itt is hereby declared, y^t y^e day of y^e sumons or attachm^{ts} & y^e day of appearance shallbe taken inclusively as parte of y^e 6 dayes. By both.

Itt is ordered, y^t who eu^y is or shallbe called to y^e place of maj^r gene^{ll} shall be at his liberty to have those of his oune family trayned vp in millitary discipline as himself shall judge most meete, wthout being compelled, or called vpon by any inferior officer, to send them to attend y^e ordinary traynings. By both.

Maj^r general,
privilege of.

In ans^r to y^e peticon of y^e toune of Cambridg, ffor y^e Courts acceptacon & confirmacon of W^m French as left to y^e millitary company there, y^e peticon was graunted, & y^e pson approued of & confirmed in y^t place. By both.

W. French
lieut. in Cam-
bridge.

Ralfe Blesdale, on his request, is licenst to drawe wyne at Salisbury, paying such rent annually as is appointed by order.

In ans^r to y^e peticon of y^e toune of Glocester, M^r W^m Stevens is appointed to be added as one of y^e three mend to end smal controûsyas, & Water Tybott is graunted licence to drawe wyne, paying y^e annuall rent as y^e Courte hath p^{re}scribed.

Mr Stevens to
end small
causes in
Gloucester.

In ans^r to y^e peticon of y^e toune of Weimouth, M^r Tory is appointed, & by this Courte authorized, to marry such as shall be legally published, and be fitt, according to the order of Courte, in y^e toune of Weimouth. By both.

Weymouth,
M^r Torrey au-
thorized to
marry.

In ans^r to y^e peticon of Isaacke Boswell, ffor y^e dd of a stray heifer, at Hampton, to him, who lost one, & none appearing to challeng such stray, the Courte graunts his request, so as he enter caution to ans^r all engagments to the true ounor, if any other shall appeare to be so, & ans^r y^e chardge of y^e beast at Hampton. By both.

Isaac Boswell,
petition of.

In ans^r to y^e peticon of Hugh Sherwood, he hath a licence to draw wyne by retaile at Haverill, paying tenn shillings p anⁿ rent therefore to y^e countrye.

H. Sherwood
licenced to
draw wine.

*This Courte, taking into consideracon the vsefull ptes & abillities of diuers inhabitants amongst vs, w^{ch} are not freemen, w^{ch}, if improoved to publicke vse, the affayres of this country maybe easier carryed an end in the seuerall tounes of this iurisdiccon, doth hereby declare, that henceforth it shall & maybe lawfull for y^e freemen wthin any of the said tounes to make choyce of such inhabitants, though nonfreemen, who have taken, or shall take, the oath of fidelity to this gou^{mt}, to be jury men, & to have their vote in the choyce of the select men for toune affaires, assessment of rates, & other pru-

[*112.]

Liberty of non
freemen.

1647.

26 May.

dentials pper to y^e select men of the seſſall townes, provided still, y^t y^e major pte of all companies & of select men be freemen, from time to time, that shall make any valid act, as also where no select men are to have their vote in ordering of schooles, hearing, laying out highwayes, & distributing of lands, any lawe, vsage, or custome notwithstanding to y^e contrary ; provided also, y^t no nonfreeman shall have his vote vntill he hath attayned y^e age of twenty fower yeeres ; provided also, y^t none y^t are or shallbe detected & convicted in any Courte of any evill carriage ag^{nt} y^e gofiment or churches, it being intended to be imēdiately donn, shallbe capable to vote vntill y^e Courte where he was convicted or sentenced hath restored him to his former liberty. By both howses.

Millers license.

In ans^r to y^e petiçōn of y^e toune of Rowley, Thomas Miller hath licence graunted him to drawe wyne there, pay 15^s p anñ to y^e comōn treasury. By both.

Anthony Stanien is chosen & appointed one of the three men to end smale cawses at Exetur.

Cap^t Brigham.

In ans^r to y^e petiçōn of y^e toune of Rowley, for y^e Courts acceptaçōn & confirmaçōn of Sebastian Brigham for their cap^t, & John Rimington for their lef^t, their petiçōn was graunted, y^e psons appved of & confirmed in those places. By both.

Salt peet^rs
mans fee.

Itt is ordered, y^t Edmond Gardiñer, y^e officer for salt peeter at Ipsvich, shallbe allowed five pounds out of the treasury, in full satisfacçōn for his paynes. By both.

[*113.]

*This Courte being deeply sencible of y^e necessity of their vpholding, & all they cann to encrease all fortificaçōns against forraigne enemyes, as also of y^e great vnsufferable pressures & extreame exigents of Cap^t Davenport, his garrison & family, (a thing no lesse greivous to y^e Courte then burthensome to him,) & therefore thinke it very just & meete y^t the cap^t's petiçōn should be graunted for the three p^ticulers therein conteyned, & therefore doe order & enact, by y^e authority of this Courte, that Leif^t Norton, Leif^t Johnson, & John

Castle repairs.

Johnson, or any two of them, be appointed, authorized, & hereby enabled to examine the whole matter touching y^e deffects of y^e townes, both in respect of arreares in payment & compleating of workes by them vndertaken, as also to levy all fines & penalties incurred by such neglect, & to imploy it towards satisfacçōn of arreares, or compleating the workes, & supply of a^munition & such things as are wanting, as to them seemes meete & convenient ; also hereby power is given to y^e said Lef^t Norton, &c, to levy all arreares aforesaid by distresse of such inhabitants of y^e said townes from whome they are dew, or otherwise, & for^twth to pay it to y^e said Cap^t Davenp^t : also hereby power is

Cap^t Davenport's
arreares.

given to y^e said Lef^t Norton, &c, to impresse men in the seuerall townes to supply a garrison there at the Castle Iland, according to y^e former agreement there, to serve in their course & order, vnlesse they or some of their townes shall compound wth the cap^t for it. Lastly, hereby power is hereby given to y^e said Lef^t Norton, &c, to require & receive of y^e Treasurer so much as will fully ans^r y^e cap^t demaunds in his peti^{ti}on, whose receite vnder their hands shallbe y^e Treasurers dischargd for so much; provided, that all arreares of y^e townes, & at least so much of y^e fines be first leyed as to y^e said Lef^t Norton, &c, seemes meete & necessary to compleate the workes according to their agreement.

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For better direction of officers vpon attachments & executions, itt is ordered by y^e authority of this Courte, y^t where any officer is to serve any attachment or execution vpon any mans body, in any civill cause betweene p^rty & p^rty, he shall not be forced to keepe him above twelve howers, nor convey him to p^rison, except y^e p^rty who p^rsecutes will lay doune the chardges & fees, or take such order for the same whereby the officer maybe indemnified in either of them; & if y^e p^rsecutor recouer in his suite, or if it be vpon execution, such chardges & fees shallbe alowed in costs as in other cases. By both.

Samuell Davies, of Wimisemett, hath liberty graunted him to keepe a howse of com^on entertainment, & to drawe wyne, he paying thirty shillings p^r ann^o to y^e com^on tresury. By both. Davies licence.

[Pages *114 and *115 are in the handwriting of Mr. Torrey.]

*Vpon information that diuers high wayes are much anoyed & incumbred by gates & rayles erected vpon them, its ordered by the authoritie of this Court, that vpon information made to the Court of Assistants, or any County Court, of any such gates or rayles erected, the same men shall appoynt a committee of discreet men to view such incumbrance, & to order the reformat^e thereof; & if the p^rties whom it shall concerne shall not submit to such order, they shall require them to appeare to the next Court, where the cause shalbe heard & determined for the ease of travillers, & due respect to the pprieters cost & damages. [*114.]

Highways not
to be incum-
bered.

For as much as many times it so falls out that small thefts are comitted, & also other offences of a criminall nature, both by English & Indians, in townes remote from any prison or other fit place to which such malefactors may be comitted till the next Court, it is therefore ord^d, that any magistrate, vpon complaynt made to him, may here, & vpon due proffe determine, any such small offences according to the lawes here established, & giue warrent to the constable of y^t town^e where the offender liues to leuy the same, p^rvided the damag or fine by him adjudged exceed not forty shillings; p^rvided also, it shalbe Small criminal
cases, how
managed, &
others.

1647.

26 May.

lawfull for either pty to appeale to the next Court to be held in the jurisdiction, giving sufficyent caution to psecute the same to effect at y^e sd Court; & euery magistrate shall make their retorne yearly to the Court of y^t jurisdiction wherein he liues of what cases he hath so ended, & also the constable of such fines as they haue receiued; & where the offender hath nothing to satisfy, such magistrate may punish him by stocks or whipping, as the cause shall deserue, not exceeding ten stripes.

Jesuits to be
apprehended.

[*115.]

This Court, taking into consideration the great warrs & combustions which are this day in Europe, & that the same are obserued to be cheifly raysed & fomented by the secret practises of those of the Jesuiticall order, for the prevention of like euills amongst o^rselues, its ordred, by the authoritie of this Court, that no Jesuit or ecclesiasticall pson ordayned by y^e authoritie of the pope shall henceforth come wthin o^r jurisdiction; & if any pson shall giue any cause of suspision that he is one of such societie, he shalbe brought before some of the magis^{ts}, & if he cannot free himselfe of such suspitiō, he shalbe comitted or bound ou to the next Court *of Assistants, to be tried & proceeded with by banish^{mt} or otherwise, as the Court shall see cause; & if any such pson so banished shalbe taken the 2^d time wthin this jurisdiction, he shall, vppon lawfull triall & conviction, be put to death; pvided this law shall not extend to any such Jesuit as shalbe cast vppon o^r shores by shippwrack or other accydent, so as he contynew no longer then he may haue opp^tunitie of passage for his departure, nor to any such as shall come in company wth any messenger sent hither vppon publick occasions, or any marchant or master of any shipp belonging to any place not in enmitie wth the state of England or o^rselues, so as they depart agayne wth the same messenger, marchant, or m^r, & behaue themselues inoffenciuey duringe their abode here.

D. Shepard's
will.
Courts distri-
bution.

Vppon p^sentm^t of the will & inventory of Daniel Sheeheardson, it is ordred, that the land should goe according to the fathers will to the son, or recompence according to the value of 21^{li} 10^s; & because the mother hath bin at great charge in educating the son 3 yeares, & is still to be, she should be allowed the tooles, & bellowes, & armes, for that, & y^t the daughters shall haue, of what their father hath giuen them, only 9^{li} each of them for their p^t.

Marshall's
fees.

Ordred, that the marshall haue 12^d of the pound of all the fines he shall gather vp.

Ferry at New-
bury.

Tristrum Coffin is allowed to keep an ordinary at Newbery, & to retayle wine, paying according to the order; & also he is granted libtie to keepe a ferry on Newbery side, ou Merimacke, when the intrest of Georg Carr shalbe determined; & y^t Georg Carr shall haue libtie to keepe his boat goeing on Salsbury side.

It is ordred, that there shalbe a sufficyent horsbridge made oū the riuer neere Watertowne Mill by the inhabitants of Watertowne, before the first of the 9th moth next, vpon payne of the forfeiture of ten pound, & after that 10^s a day to the country till it be made vp as afore^sd.

1647.

26 May.
Watertown
bridge to be
built.
Gov^r a grant to
£100.

The Court, in a gratefull remembrance of the good service of o^r honrd Go^uno^r in y^t place the last yeare, haue thought meete to allow him 100^{li} as a testimony of their thankfull acknoledgment of their loue for, & acceptance of, his endeavours.

For explanation of the order in the liberties about 6 dayes warneing to be giuen the defend^t, it is hereby declared, that the day of su^mons or atatchm^t serued & the day of appearance shalbe taken inclusiūly as p^t of y^e 6 dayes.

[The following is in the handwriting of Mr. Rawson.]

*The Courte having taken into serious considera^cōn the crimes chardged on Doc^t Rob^t Child, M^r John Smith, M^r Thomas Burton, M^r John Dand, & M^r Samuell Mauericke, & whereof they have binn found guilty vpon full evidence by the former judgment of this Courte, have agreed vpon y^e sentence here ensewing respectively decreed to each of them.

[*116.]

Doctor Child, tuo hundred pounds, & imprisonment vntill it be payd or security given for it.	200 ^{li} 00 ^s 00 ^d
M ^r John Smith, one hundred pounds, & imprisonment as before.	100 00 00
M ^r John Dand, tuo hundred pounds, & imprisonment as before.	200 00 00
M ^r Tho: Burton, one hundred pounds, & imprisonment as before.	100 00 00
M ^r Sam: Mauericke, ffor his offence in being p ^t y to y ^e conspir- acy, one hundred pounds, & imprisonment as before.	100 00 00
M ^r Sam: Mauericke, ffor his offence in breaking his oath, & in 'appealing ag ^{nst} y ^e intent of his oath of a freeman, fifty pounds, & imprisonment as before.	050 00 00
Jacob Barnev contradicens to y ^e sentence of y ^e Courte.	

[The following is in the handwriting of Mr. Torrey.]

It is ordred, that in all common feildes of meddow & pasture wherein there are seūall pprieties fenced in by one common fence, made by the seūall proprietors in all those feilds, the proprietors of the greatest p^t of the land in such feilds shall hereby haue power to order & appoynt the improvement of the whole feild, saue of such ppriet^rs of land as shalbe sufficiently fenced in by itselfe, which any such pprietor may lawfully doe.

Lands owned
in common,
regulation of.

1647.

20 May.
Mr Oliver's son
cured of fistula.
Weymouth
swamp.

Game of shuffle
board, pen-
alty to prevent.

Mr Oliver is to be allowed for the cure of Pessicus his son, & the same to be charged agayne on the sd Pessicus.

Waymouth having a swamp, suposed to be aboue 100 acors, they are granted libtie to lott it out.

Vppon complaynt made of great disorder that hath bin obserued, & is lik to increase, by the vse of the game called shouelboard, it is therefore ordred & enacted by the authoritie of this Court, that no pson shall henceforth vse the sd game of shoffle board in any howse of coṃon entertaynm^t, nor in any other howse vsed as coṃon for that purpose, vppon payne for eūy keeper of such howse 20^s for eūy offence; & for eūy pson playing at the sd game in any such howse, 5^s for eūy offence; & any magistrate may heare & determine any offence agaynst this law.

[The following is in the handwriting of Mr. Rawson.]

[*117.] *Seuerall members of y^e House of Deput^s somewhat differing from y^e sentence of y^e Courte, in degree only, desiring their contradicentes might stand on record only as they differed, their desier was graunted, & are as ffolloweth: —

Rich Duṃer sentenced Doctor Child & Mr Dand 100^{li} apeece; Mr Smith, Mr Mauericke, & Mr Burton, 40^{li} apeece.

Left Lathrop sentenced Doct^r Child & Mr Dand 200^{li} apeece, as y^e Courte did; Mr Smith, Mr Mauericke, & Mr Burton, 50^{li} apeece.

Brian Pendelton sentenced Mr Dand 100^{li}; Mr Mavericke, Mr Smith, & Mr Burton, 40^{li} apeece. Doctor Child he could not pceed to sentence besids his imprisonment.

Cap^t W^m Pelham sentenced Mr Dand 100^{li}; Mr Smith, Mr Burton, & Mr Maverick, 50^{li} apeece; Doctor Child 40^{li}.

Rob^t Cleomens sentenced Doctor Child 50^{li}; Mr Dand 100^{li}; Mr Smith 20^{li}; Mr Burton 30^{li}; & Mr Mauericke 100^{li}.

Rob^t Payne sentenced Mr Dand 100^{li}; Mr Smith & Mr Burton 50^{li} apeece; Mr Mauericke 60^{li}. Doctor Child he could not pceed to sentence besids his imprisonment.

Edw: Carleton sentenced Mr Dand 100^{li}; Mr Mauericke 50^{li}; Mr Burton & Mr Smith 40^{li} apeece. Doctor Child he could not pceed to sentence besids his imprisonment.

[The following is in the handwriting of Mr. Torrey.]

Horses, penal-
ty for using
without leave.

Forasmuch as many complaynts haue bin made of a very euill practise of some disordered psons in the country, who doe vse to take of other mens horses, sometimes vppō the commons & sometimes out of their owne grounds, & ride them at their pleasure, without any leave or privaty of the owners, it is therefore ordred by this Court, that whosocū shall take of any other mans

horse or mare, or any draft beast, either out of his owne inclosure or comons or else where, except such be taken damage feasant, & disposed of according to law, without leue of the owner, & shall ride or vse the same, he shall pay to the pty wronged treble damages; or if the complaynant shall desire it, then to pay only 10^s; & such as haue not to make satisfactiō to be punished by whipping or imprisonm^t, as shalbe judged.

1647.

26 May.

It is ordred by the authoritie of this Court, that the comission granted to the major p^t of the towne of Newbery, & the pceedings therevppon, be declared to be legall & warrantable.

2. That if any errors were in the s^d comission, or any discent from the same by any of the minor p^t, yet they are all concluded from takeing any exception thereto, in regard of their acceptance of the recompence ordred for satisfaction.

3. That the petition^{rs} of the minor p^t haue fayled in not submitting to their owne couenant.

*4. That a lre be written from this Court to the two elders & those brethren of the major p^t, that, for peace sake, they would please, by turnes, to supply the other pty. [*118.]

[To this place in the handwriting of Mr. Torrey; pages *119—*130 by Mr. Rawson.]

**Att another Session of y^e Cowte of Elecōn, begunne the last 4th Day of y^e 8 M^o, 1647.* [*119.]

WHEN M^r Joseph Hills was chosen Speaker for this weeke.

27 October.

[Blank.]

At y^e request of W^m Jeggles, Cap^t W^m Hawthorne is appointed & authorized to solemnize a marriage betweene Tho: Jeggles & Abigaile Sharpe, of y^e same toune, in y^e absence of y^e major gennerall, on y^e morrow, being y^e 28 of y^e 8 m^o, 1647.

Sarg^{nt} Major Daniell Dennison p^senting himself to y^s Courte wth a warrant, from y^e toune of Ipswich, to serve as deputy in y^e roome of M^r Bartholmew, but, on informaōn y^t all y^e freemen had not notice of y^e meeting, y^e choyce was judged illegall, & he dismissed, & not accepted.

In ans^r to y^e petiōn of Rob^t Elwell, W^m Broune, & W^m Dudbridge, a review was graunted of an accōn betweene them & M^r Tuttle, at y^e next Courte of Assistants, so as they give him fowerteene dayes notice thereof.

[Blank.]

1647.

27 October.

[*120.]

Pumhom to
be supplied
with corn.

Jonathan Ne-
goos petition
granted.

Elections,
manner pre-
scribed.

*For y^e p^sent order for Pumhom for his winter p^rvi^cōn of corne, spoyled by those of M^r Gortons society, itt is ordered y^t a messenge^r be forthwth sent by y^e audito^r geñll to those p^rts to treat wth Benedict Arnold for p^ecuring 100 bushels of corne from Pesicus at indifferent prize, to be allowed in y^e payment of y^e rest of y^e wampam dew from him.

In ans^r to y^e peti^cōn of Jonathan Negroos on his marrying of Jane Lugg, wyddow, relict of John Lugg, & educating y^e children of y^e said John Lugg, y^e inheritance of y^e howse & land of y^e said John Lugg is confirmed on him, & he power freely to dispose thereof graunted vnto him.

For y^e p^rventing of many inconveniences y^t otheruise may arise vpon y^e yeerely day of elec^cōn, & y^t y^e worke of y^t day may be more orderly, easily, & speedily issued, itt is ordered by the authority of this Courte that the freemen in y^e seuerall townes & villages wthin this jurisdic^cōn shall this next yeere, & so from yeere to yeere for euer, make all their elec^cōns by beanes & papers, as hereafter is exprest, to be taken, sealed vp, & sent to y^e Courte.

[Pages *121, *122, *123, and *124 are blank in the original.]

[*125.]

A valuation to
be taken of all
real & per-
sonal estate
throughout the
jurisdiction.

*For a more æquall & ready way of raysing meanes for defraying publicke chardges in time to come, & for p^rventing such inconveniencies as have fallen out vpon former assessments, it is ordered & enacted by y^e authority of this Courte, that the Treasurer for y^e the time being shall, from yeere to yeere, in y^e fifth moneth, wthout expecting any other order, send forth his warrants to y^e constables and select men of eūy toune wthin this jurisdic^cōn, requiring the constables & select men to call together the inhabitants of the toune, who, being so assembled, shall chuse some one of their freemen to be a cōmissioner for the toune, who, together wth the select men for their prudential affaires, shall, from time to time, in y^e 6 month then next ensewing, make a list of all y^e males in y^e same towne from sixteene yeeres old & vpwards, and the true estima^cōn of all psonall & reall estates in y^e same toune, acording to just vallation, and to what psons y^e same doe belong, — whether in their oune toune or elsewhere, — so nere as they cann by all lawfull wayes & meanes w^{ch} they may vse, of viz., howses, lands of all sorts, as well vnbroken vp as other, except such as doth or shall lye cōmōn for free feed of cattell to y^e vse of y^e inhabitants in gennerall, whether belonging to townes or p^rticular psons, but not to be kept or hearded vpon it to y^e damage of y^e pp^rietors mills, shipps, marchandable goods, cranes, wharfes, & all sorts of catle; & all other visible estate at sea or on shore; all w^{ch} psons and estates are by y^e said commissioner & select men to be assessed & rated as hereafter followeth, viz., eūy pson aforesaid, except magis^{ts}, 2^s 6^d p head, & all estates, both reall & psonall, at one penny for euery twenty shillings,

according to y^e rates of catle hereafter men^cioned ; & for a more certaine rule in rating of catle, eūy cowe of 4 yeere old & vpwards shall be vallewed at five pounds ; eūy heifer & steere betwixt 3 & 4 yeeres old, 4^l, & betweene 2 & 3 yeeres old, 50^s, & betweene one & two, at thirty shillings ; eūy ox 4 yeeres old & vpwards, sixe pounds ; eūy horse & mare of 4 yeere old & vpwards, seuen pounds ; of 3 yeere old, five pounds ; betweene two & three yeeres old, at three pounds ; of one yeere old, fforty shift ; eūy sheepe above a yeere old, thirty shift ; eūy goate above one yeer, eight shift ; eūy swine above one yeere old, twenty shift ; eūy asse, forty shillings ; and all catle of all sorts vnder a yeere old are hereby exempted ; & for all such psons as, by y^e advantage of their artes and trades, &c, are more enabled to helpe beare y^e publicke chardg then comon laborers and workemen, as butchers, bakers, brewers, victuallers, smithes, carpenters, taylors, shoemakers, joyners, barbers, millers, & masons, wth all other mannuall psons & artists, such are to be rated for their retournes and gaines ppor^conable to other men for estates ; provided y^t, in y^e rate by y^e pole, such psons as are disabled by sicknes, lamenes, or other infirmity shallbe exempted ; & for such servants & children as take no wages, *their parents & masters are to pay for them, but such as take wages are to pay for themselves ; & itt is further, that the com^{is}sioners of y^e seuerall townes in eūy shier shall yeerely, vpon the first 4th day of y^e seventh month, assemble at their shier toune, & bring wth them, fairely written, y^e noumbe^r of males listed as aforesaid, & y^e assessment of estates made in their seuerall townes, according to y^e rules & directions in this p^sent order expressed. And y^e said com^{is}sioners, being so assembled, shall dewly & carefully examine all y^e said lists & assessments of y^e seuerall townes in y^t shiere ; shall correct & pfect y^e same, according to y^e true intent of this order, as they or y^e major pte of them shall determine ; & y^e same, so pfected, they shall speedily transmitt to y^e Treasurer vnder their hands, or y^e hands of y^e major pte of them, & therevpon y^e Treasu^re^r shall give warrants to y^e counc^{is}tables to collect & levye the same, so as the whole assessment, both for psons & estates, maybe paid vnto the Treasurer before the 20th day of y^e 2 month yeerely ; and eūy one shall pay their rate to y^e counc^{is}table in the same toune where it shallbe assessed ; nor shall any land or estate be rated in any other toune but where y^e same shall lye, if it be wthin this iurisdic^{ti}on ; & if y^e Treasurer cannot dispose of it there, the counc^{is}table is to send it to such place in Boston as the Treasurer shall appointe at y^e chardge of y^e country, to be allowed y^e counc^{is}table vpon his accoump^t wth y^e Treasu^re^r, & for all peculiars ; viz., such places as are not yett laid wthin the bounds of any toune, the same land, wth y^e psons & estates therevpon, shallbe assessed by y^e raters of y^e toune

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[*126.]

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next vnto it, y^e measure or estima^on to be by^e y^e distance of y^e meeting howses; and if any of y^e select men or of y^e co^missione^rs shall wittingly faile or neglect to p^rforme the trust co^mitted to them by this order, in not making, co^rrecting, or p^rfecting, or transmitting any of y^e said lists or assessments aco^rding to y^e intent of this order, eu^ey such offender shallbe fyned fforty shill for eu^ey such offence, or so much as y^e country shallbe dannified thereby, so as it exceed not forty shillings; provided y^t such offence be complained of & p^rsecuted in dew course of lawe wthin six m^oth. And itt is ffurther ordered y^t vpon all distresses to be taken for any of y^e rates or assessments aforesaid, y^e officer shall distreine goods or cattell if they may be had, & if no goods, then lands or howses; if neither goods nor lands cann be had wthin y^e toune wher such distresse is to be taken, then, vpon such retourne to y^e Treasurer, he shall give warrant to y^e counstable to attach y^e body of such p^rsons, to be carryed to p^rison, there to be kept till y^e next Courte of y^t shiere, except payment be made in y^e meanetime. And itt is further ordered, y^t y^e prises of all sorts of corne to be receaved vpon any rate by virtue of this

[*127.]

*order shallbe such as this Courte shall sett from yeere to yeere; & in default thereof they shallbe accepted at y^e price currant, to be judged by y^e co^missioners of Suffolke & Midlesex; the assessment w^{ch} should have binn made vpon estates y^e sixt month last, having binn omitted, shallbe forthwth called for by y^e Treasurer; to be assessed & gathered aco^rding to this p^rsent order, save only for the time, wth all possible expedition for discharging y^e p^rssing ingagments of y^e country; y^e former order for assessments made y^e 9 month, 1646, is hereby repealed, saving y^e clawse for exemption of magis^{tr}s for 500^{li}, &c, w^{ch} is hereby ordered to continew for 3 yeeres next following after y^e next Courte of Elecc^ons. The prises of corne for y^e rate to be now gathered are ordered by this Courte to be, wheate, 4^s 6^d p bush; barley, 4^s; rye & pease, 3^s 6^d; Indian corne, 3^s p bushel. Added to y^e order, y^t y^e select men & co^mission^rs in each toune are required & authorized to make y^e p^rsent rate, & chardge the counstable wth y^e levyng thereof by y^e twentyeth of this next 10 m^o, aco^rding to, & vnder y^e penalty of, this order. By both.

H. Shrimpton,
petition of.

In ans^r to y^e peti^on of Henry Shrimpton, in y^e behalf of M^r John Bland, a Courte of Assistants vpon y^e third of y^e 9 m^o was granted him, & y^e deff^t su^moned & required to appeare & ans^r make to y^e complaint of y^e said Henry Shrimpton, in y^e behalfe of the said John Bland, he bearing y^e chardge thereof.

Boston and
other towns to
pay in their
assessments in
20 days.

For y^e better encouragement & supply of o^ur agent & occa^ons in England, itt is ordered, y^t Boston, Charles Toune, Roxbury, Dorchester,

Cambridge, Water Toune, & Dedham shallbe required to pay in to y^e Treasurer their seuerall pporcōns of this next rate wthin twenty dayes, y^t so y^e Treasurer, wth Mr Allen, by way of Barbadoes, may endeavor theſwth to make a retourne to our agent, Mr Winslow, the sōme of one hundred pounds; & y^t to such as wee know are able maybe spoken wth & writt vnto, to give our agent credit for what he shall need in y^e meane time, till y^e retourne comes to his hands, w^{ch} may be assured shall not be long.

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In ans^r to y^e petiōn of X^topher Lawson, itt was graunted, y^t Thō Beard should be required to answer him in his appeale at y^e next Quarter Courte at Boston, y^e said X^topher Lawson giving in cawtion acording to law to stand vnto & abide by y^e judgmt^t of y^e Courte.

Christ^r Lawson
petition.

Vpon y^e dismissing of Major Edward Gibbons the service of the Court in respect to his voyage to Virginia, the Deput^s gave a warrant to y^e constables of Boston for y^e sūmōning their freemen, & give them to vnderstand, that they have their liberty to chose another deputy in his roome, if they will; & was signed. By order, from y^e Howse of Deput^s.

E. Gibbons,
resignation as
a deputy.EDWARD RAWSON, Sec^{rt}.

Y^e warrant being shewne to y^e Magis^{ts}, they added their consent, & so on a mistake their sec^{rt} signed a warrant to y^e same purpose; but, on conference about y^e mistake, of their consent, it not being desired, their ans^r *was retourned in these words: This being the secretaries warrant for his to y^e toune for choosing another deputy, it must remayne vpon record; but it being so passed by a mistake, y^e Magis^{ts} thinke fitt to declare, y^t it shall not be as any p^sident to pⁱudice y^e liberty of y^e Deputyes in y^e like case, but y^t they may supply their oune company acording to their liberty & y^e law established.

[*128.]

Signed,

JO: WINTHROP, Goū^r.The oath of y^e publicke notary.

Yo^w sweare, &c, that in y^e office of a publicke notary, to w^{ch} yow have binn chosen, yow shall demean yo^rself dilligently & faithfully acording to y^e duty of yo^r office, & in all instruments, writings, & acts y^t yow are to give testimony vnto, when yow shallbe required, yow shall p^forme the same truly & sincerely, acording to y^e nature thereof, wthout delay or covin; & yow shall enter & keepe a true register of all such things as belongs to yo^r office. So help yow God, &c.

Notary public's
oath.

Whereas this howse hath comitted vnto them the affaires of y^e country

1647. in their spheres, to be transacted wth as much prudence as maybe, and finding chardges to amount above expectacōn, ffor further satisfacōn to ourselves & expression of our tendernes of y^e estates of all whom it doth or may concerne, itt is ordered, that henceforth from time to time y^e first day of sitting ^ ^

27 October.

Sargeant English & W^m Fiske, on their requests, are dismissed from y^e^r further attendance on y^e service of the Courte.

[Blank.]

[*129.]
W^m Hatevill's
petition, an-
swer to.

*In ans^r to y^e petiōn of W^m Ballew, Hateevill Nutter, Richard Parker, John Maning, Robt Knight, Hugh Gunnison, Edmond Grenlefe, Thō Burton, X^topher Lawson, W^m Furbur, W^m Bacon, & John Butler, who desire, in pursuance of an order of y^e last Courte, held at Douer, y^t all y^e creditors of W^m Walderne, deceased, should attend this Gennerall Courte, for to make demand of their debts, & proclamaōn being both made at Boston & Douer to y^t purpose, wee desire wee maybe putt into some course how to come by the estate of y^e sd W^m Walderne, to be divided amongst vs pportionably, according to our debts.

Order on the
estate of W^m
Walderne, de-
ceased.

Itt is ordered by y^e authority of this Courte, that the estate of y^e said W^m Walderne be deliuered into the hands of Cap^t Wiggin & Edward Rawson, who are hereby authorized to call any before them that may give evidence concerning his estate, & where it lyeth, to administer oath for y^e full discouery & deliuey thereof to them, & to examine all the bills & debts that shall any way by the petiōne^{rs} be claymed as dew from y^e said W^m Walderne; & what they shall find to be justly dew, to make an æquall distribution of the said estate of y^e said W^m Walderne to y^e seuerall creditors, making retourne of what they shall doe herein, vnder their hands, to the next Gennerall Courte; provided, y^e chardge of y^e cōmission^{rs} shallbe defrayed & borne by y^e estate before y^e diviōn. By both.

[*130.] *For the p^rventing of many inconvenies that otheruise may arise vpon y^e yeerely day of eleccōn, & y^t y^e worke of y^e day maybe more orderly, easily, & speedily issewed, itt is ordered by the authority of this Courte, that the freemen in the seuerall tounes & villages wthin this jurisdicōn ^ ^

[The remainder of page *130, and pages *131, *132, *133, and *134 are blank.]

[The following is in the handwriting of Mr. Torrey.]

**At a Generall Court of Election, held at Boston, the 10th of May, 1648.*
1648, at w^{ch} time there was chosen

10 May.
 [*135.]

John Winthroe, Esq^r, Gouvernor.

Thō Dudley, Esq^r, Dep^t Gouvernor, Reserue Co^mission^r.

Asistants, John Endecott, Esq^r, Major Gen: Co^mission^r,
 Rich Bellinghā, Esq, Reserue Co^mission^r,
 Herbert Pelham, Esq^r,
 Rich Soltonstall, Esq^r, Reserue Co^mission^r,
 Increase Nowell, Gen^t, Secretarie,
 Symon Bradstreet, Gen^t, Co^missiono^r,
 Thō Flint, Gen^t,
 Samuel Symonds, Gen^t,
 W^m Hibbins, Gen^t,
 Joh Winthroe, Juⁿ, Gen^t,
 W^m Pinchon, Gen^t,
 Cap^t Rob^t Bridges, Gen^t.

Rich Russell, Treasurer.

The names of the Dep^t sent from the seuerall townes w^{thin} this jurisdic-
 tiō were as followeth: —

Salem: M^r Emanuell Downinge, Cap^t W^m Hawthorne.

Charlstowne: Major Rob^t Sedgwicke, M^r Rich Russell.

Dorchester: Cap^t Huⁿ Atherton, M^r Joh Glouer.

Boston: Cap^t Keayne, James Penn.

Roxbury: Joh Johnson, W^m Parkes.

Watertowne: Rich Browne, Briant Pendleton.

Lin: M^r Holliokey, Thomas Layton.

Cambridge: Edward Jackson, Rich Jackson.

Ipswich: Major Denison, Rob^t Payne.

Newbery: Edward Rawson.

Waymouth: W^m Torrey.

Hingham: Nicholas Jacob, Thō Vnderwoode.

Concord: Rich Griffin.

Dedham: Michall Powell.

Salsbury: Lieutenant Pike.

Hamptō: W^m Estow.

Rowley: Thomas Mighill, Maximilian Jewet.

Sudbury: Walter Haynes.

Brantree: Steuen Kinsley.

Glocester: Obadiah Brewen.

Woburne: Joh Write.

1648.

10 May.

Wenham: Esdras Reede.
 Hauerill: Robt: Clement.
 Reding: Rich Walker.
 Douer: W^m Furber.

Cap^t W^m Hawthorne was chosen Speaker for this sessiō.

[*136.]

Stewards to
saue charge.

Stewards to be
appointed for
the General
Court or dep-
uties.

*FOR the avoydinge of all vnnessessary charges by *by* the expences of the deputies in their comings to, continuance at, or returns from, the Geñ Court, its ordred, that henceforth, from time to time, the first day of the session of this howse after the Speaker is chosen, that there shalbe two of their members chosen for stewards for that session of Court, who shall order & regulate the dyet of the howse, & to take care that there be no further charges put on the country account, but the just & nessessary expences of the members only, except of such psons as shalbe invited by the Speaker or stewards, or at least brought in by their consents; and further, it is ordred, that the stewards shall take notice of the just & nessessary expences of the dep^{ts} in their comings to, or returnings from, the Geñ Court, which they shall only allow vnder their hands to be payd by the Treasurer, they themselues beinge first satisfied of such nessessary charges from the ordinary keeper vnder the hand of the dep^{ts}; and it is ordred, that the auditor geñ shall signe no bills of charges of the dep^{ts}, but such as shalbe first signed by the stewards of the Court from time to time. This law was agreed to & voted by the dep^{ts} as a standing law, & to be incerted in the records, & all other orders made in this respect are hereby repealed.

Pvision for
powder.
Powder.

Whereas this Court is sufficiently informed that its nessessary that some speedy pvision be forthwth made for the renewinge of a stocke of powder for the countryes store, it is therefore ordred, that fifty pounds of the first money which comes into the countryes hands by way of rate or leuie, or else by the impost of wines, shalbe deliuered into the hands of the Treasurer & surueior geñ, Joh Johnson, for the purchasing of powder therewith by the first oppertunitie which shall p^sent. By both.

Answ: to Teds
pet.

The answer to the p^{et} of Joh Tedd was, that the Court did not thinke meete to alter the ordinarie course of satisfactiō for adventors, but that the petitioner should take his land, where it may be layd out for reasonable conueniency, accordinge to order of this Court. By both.

Answ: to New-
b^y pet.

In answer to the p^{et} of the inhabitants of Newbery about the choyce of a cap^t, it was ordred, that they should pceede to a new electiō, & make choyse of two men, & p^sent their names, of which the Court might allow one, whom they should thinke fitt; and Major Denison is hereby desired to be p^sent at the election to se it orderly caryed on. By both.

In answer to the peñ of Nathaniel Newgate, the fine of ten pounds, which he was to pay for sellings of guns to the Indians, is abated to forty shillings, besides what he hath already payd vnto the Indians & Francis Smyth. By both.

1648.

10 May.

Answ: to New-
gats pet.

*In answer to the peñ of Capñ Rich Dauenport, about areers dew to the garison, it was ordred, that Major Sedgwicke, Capñ W^m Tinge, Capñ Humphry Atherton, & Surveior Geñ Johnson should be a comittee, & are hereby authorized & enabled to examine, determine, & dispose of all psons areers, fines, & things that are wantinge, as to any three of them seemes meete & convenient; & powre is hereby giuen to the committee, or any three of them, to leuie by distresse any areers or fines from such inhabitants of any of the townes from whom they either are or shalbe due, or otherwise, & forthwith to pay it to the šd Capñ Davenport; and powre is hereby also giuen to the šd committee to impresse men for the supply of the garison at the Castle Iland out of the seuerall engaged townes, & to doe whatsoever else by vertue of the commissiō to Lieutenant Norton, &c, might haue ben done, or shall seeme to any three of them nessessary to be done, in or about the pñises which already is not pñvided for, till this Court take further order. Dat 13th 3^d, 1648.

[*137.]

Answ: to Capñ
Daunports pet.
Castle busi-
ness.

13 May.

By the Gennerall Court.

INCREASE NOWELL.

In answer to the request of the inhabitants of Andivour, Edward Faulk-
nre is authorized by this Court to sell wine, theire payinge to the treasury for what he drawes as others doe. By both.

Answ: to An-
diuor pet.

In answer to the request of the towne of Salisbury, Mr Samuel Dudley, Christopher Batt, & Robt Pike ar authorized to end small causes there accord-
inge to order. By both.

Ans: to Sals-
pet.

Whereas, vppon a survey taken of all sorts of corne in all the seuerall townes in these pñts, it appeares that there is not sufficient for the nessessary sustentatiō of the inhabitants for two moneths, & out of this there must be had for the vse of straungers resorting vnto vs, & victuallinge of shippes, &c, it is therefore ordred, by the authoritie of this Court, that no wheat, rye, barley, or Indian corne shalbe transported into any foraigne parts, vppon any pñtence or collour whatsoever, before the 12th of the sixth moneth, called August, nor shall any pson sell or put aboard any shipp or vessell any corne, to the end the same should be transported to any forraigne pñts, vppon payne of forfeitinge for every bushell of corne so transported, put aboard, or sould contrary to the intent of this order, 20^s, the one halfe to the pubñ treasury, & the other halfe to the informer; provided, this order shall not extend to any corne or grayne which within one moneth last past was, or hereafter shalbe, brought

Ord: about
corne.Grain not to be
exported.

1648. into this jurisdictiō by way of marchandize, nor to any corne now in the hands
 13 May. of any pson or his assignes, which by former contract made here, in England, or elsewhere, bonâ fidē is to be dđ to any pson or vessels to be transported, but that every such pson may transport all such corne, any such order to the contrary notwithstanding. This order to be published in Boston forthwith, & in all the townes in this jurisdictiō. By both.

[*138.] *This Court, with all thankfulness, doth acknowledge the great good
 Gourm^{re} gratui- servise of o^r honou^rd Gouvernor in his last yeares service in that place, &, in
 tie. the behalfe of the country, render him humble & harty thanks, & desire his loving acceptan^{ce} of an hundred markes, as a slender token of theire acceptaⁿ of his care in that place, & to be payd out of the next leuie. By both.

Ans: to Down- Whereas M^r Downings farme, lyinge in the way betweene Lin &
 ings pet. Ipswich, is conceiued to be a convenient place for the releife of travillers, at the request of the s^d M^r Downinge, its therefore ordred, that his tennant dwelling vpon the s^d farme shall haue lib^{tie} to keepe an ordinary there, he beinge such a one as the towne of Salem shall approue of for that imploym^t. Voted by both.

Payns actiō. Vpon the issue of the cause depending betweene M^r W^m Payne & Cap^t Champnoone, the charges allowed to M^r Payne by the Court, all things considered, was fowre pounds eight shillings & six pence. By both.

Ans: to Ponds In answer to the petitions of Mary & W^m Ponde, it was ordred, that
 pet. if the administratiō be not allready taken, that forthwith it shalbe, as also
 W^m & Mary an inventory p^{ro}duced to the next Quarter or County Court, that the state
 Pond. may be settled, so as may be both for the comfort & peace both of widdow & children. By both.

Ans: to Hall The pe^t of M^{rs} Rebecca Hall, for the confirmatiō of the sale of certayne
 pet. lands left her by her husband, is referd to be answered at the Court at Hampton.

Ans: to Crad- In answer to the pe^t of M^{rs} Rebecka Cradocke & Thomas Androwes,
 dok pet. for 679^{li} 6^s 4^d, which the country is indel^{td} to them, it was ordred, that the petitioners should bringe legall p^{ro}fe that the forc^{ed} sum is due to them from y^e country, before the pe^t be graunted, & their agent may sue y^e Tresurer at y^e next Court, & a speciall jury warned for y^e triall.

Ans: to King In answer to the pe^t of Rob^t Knight & David Yale, marchants,
 pet. concerninge the estate of M^r Wonerton, of Sträbery-banke, it was ordred,
 Robert Knight that in regard the cause had ben formerly in this Court, & there (vpon
 & Dav. Yale. a full hereing of all p^{ar}ties) receiued a finall determination, & no new matter or evidence alleadged by the pe^t, or the rest concerned in it, that they should rest satisfied with the former determination. Consented to by both.

In answer to the pet of W^m Gerish, Richard Lowle, &c, who desire the judgm^t of the Court in a doubtfull expressiō in the will of Joh Lowle, of Newbery, concerninge ten pounds worth of clothes giuen to his daughter, the Court conceiues the 10^{li} in clothes, mentioned in the sd will, as giuen to Elizabeth Lowle, (of hir mothers clothes, now liuinge,) is to be vnderstood of the clothes of her grandmother, Elizabeth Goodall, & out of them she should be satisfied the 10^{li} legacy; *and that Richard Lowle shalbe the guardian to the children, who shall take the childrens estates, & improue it, giuinge his owne securitie into Ipswich Court next for the estate, & 8^{li} p cent pfit; the rest of the petitionors, at their request, are discharged.

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Ans: to Gerish
pet. to W. Gerish & R.
Lowle respecting the will.

[*139.]

It is ordred, that the coppie of lawes in the two roles, which were by order of Court sealed vp, with intent that, if hereafter any question should arise about the coppie now at the presse, it might be examined by this, wherby the faythfullnes of the committee might be tried, & that the other coppie, now remayning with M^r Hill, should forthwith be sent for, for the vse of the Court. By both.

Ord. about
lawes.

For the explanatiō & alteratiō of an order renewed y^e the last Geñ Court, for exemptinge of o^r hono^d magists from country & towne rates, as in that order appeares, with respect to the time therein limited, that law is herby repealed; and its ordred & enacted by the authoritie of this Court, that all o^r hono^d magists that now are or hereafter shalbe dureinge the time of their so beinge shallbe exempted from all towne & country rates, (the mayntenance of the ministry excepted,) for all their estates, till the Court take further order. Consented to by both.

Ord: explained.

It was ordred, that W^m Arnold shall haue payment of 7^{li} 2^s, which he disbursed for 31½ of Indian corne, for Pomhom, to be pd in wampom, or such comodities as he desires, or may be pcured at such reasonable rates, so as he may be no looser by them, out of the next country rate, by the Treasurer; & the Court is thankfull to him for his care & paynes herein.

Arnolds bill.

George Martins pet for the abatment of the 20^s, which his wife was fined, is referd to the next Court at Hampton, to doe in it as they shall see cause.

Ans^r to Mar-
tins pet.

Francis Smyth, of Reading, hath leav to draw wine for the reffreshing of travellers & others, he paying excise, as the law in that case hath pvided.

Smith, of
Reading.

Comission is giuen to M^r Symons to administer the oath of Assistant to M^r Saltingstall, & to returne it to the secretary.

M^r Symonds
comissio.

In answer to the pet of Joh Dand, the Court conceiues it meete, on his acknowledgm^t herevnto anexed, (which if Gd had ben pleased to bow his spirits formerly, & haue yeelded to or volluntarily made, as now he doth,) that he

Ans: to Dands
pet.

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should be freed from his imprisonment, & his fine is readily remitted him, to manifest the Courts ready inclinatioⁿ to shew all due encouragm^t to delinquents to confes their errors, & acknowledge the justice of the Courts proceedings, rather then to put any vpon such temptations as should either dishonour Gd or wound their owne consciences by hardening themselues in evill courses.

Land granted.

The Court hath agreed that 3000 acors of land shalbe graunted to M^r John Winthrop, Junior, of the Pequit land at Paquatucke, neere the Narragansitt country, pvided that if he set not vp *a considerable salt worke (we meane one hundred tuns p añum of salt) betweene the two capes of Massachusetts Bay, within three yeares now next coming, then this graunt to be voyd; pvided also, that the sd land fall within the deuision of that part of the Pequot country belonging to this jurisdictiō; pvided also, that the three thowsand acres be layd out in one place, & the former agreement with him in the countreyes behalfe is hereby repealed.

Land granted
to Rev^d John
Wilson, of
Boston, & E.
Rawson, of
Newbury, 1500
acres.

In answer to the request of M^r Joh Wilson, pastor of the church of Boston, & M^r Edward Rawson, of Newbury, to whom this Court formerly graunted 1500 acres of land in the Pequot country, the Court thinkes it meete to haue the sd land layd out next adioyning to the 3000 acres graunted to M^r Joh Winthrop, at Paquatucke, neere the Narragansitt country together. But in case that M^r Joh Winthrop pforme not the conditiō with respect to the time limitted, that then the 1500 acres of the sd M^r Joh Wilson & M^r Edward Rawson shalbe of the 3000 acres graunted to the sd M^r Winthrop.

Vpon the request of M^r Samuel Symons, he also is graunted to haue 500 acres of land in the Pequot country, next adioyning to M^r Wilson & M^r Rawson, pvided it be of such land as falls to o^r pportion.

Witch watcht.
Witch.

This Court beinge desireows that the same course which hath ben taken in England for the discouery of witches, by watchinge, may also be taken here with the witch now in question, & therefore doe order that a strict watch be set about her every night, & that her husband be confined to a priuat roome, & watched also.

Mines, 5th to
the govern-
ment.

For the due encouragment of any inhabitant within this jurisdictiō that shall haue or finde any kinde of mines whatsoever in any of their owne pprieties, this Court thinkes meet to declare, that the whole benefit of all such mines whatsoever are due & shall belonge to such pprietors of land wherein such mines shalbe found, to them & their heires for ever, payinge only the fift pt of gold & siluer, accordinge to o^r pattent.

Ans: to Dill
pet.

George Dill, vpon his owne & his wiues pet^x, his forfeiture of 100^{li} is abated to 8^{li}, so he pay it in ready money to the surveior generall, or two barrels of powder.

Mr Samuel Dudley, Cap^t Wigan, & Rob^t Clements shall keep Courts in 1648.
 the county of Norfolke, accordinge to order of Court, & Mr Dudley hath
 hereby comission giuen vnto him to giue oath to the three commissioners for 13 May.
Comissioners.
 small causes in the seuerall townes in the sd county.

It is ordred, that the same magistrats that keepe Court at Douer shalbe Courts.
 desired to keepe Court at Salisbury & Hampton this yeare ensuinge.

Mr Carlton, Fraunces Parrot, & Mathew Boyse, being lawfully chosen Commissions.
 by the ffreemen of Rowley to end small causes, according to law, are hereby
 confirmed therein.

Phineas Fiske, of Wennam, hath libtie giuen to sell wine for this year Fiske.
 ensuinge.

*Vppon the request of the Earle of Warwicke, the Court allowes Sam- [*141.]
 uell Gorton, now a shippboard, one full weeke after the date hereof for the Libtie to Gor-
 transportatiō of himselfe & his goods, through o^r jurisdictiō, to the place of his ton.
 dwelling, he demeaning himselfe inoffenciue, accordinge to the contents of
 the sd earles tre, & that the marshall, or some other, shall shew him a coppie
 of this order, or fix it to the maine mast of the shippe in which he is.

Whereas Elizabeth Pinion, of Lin, being formerly charged with adultery Pinio aquited,
&c.
 by two seuerall bills of indictement, the Court, vppon examina^t of wittneses,
 finding her not legally guilty thereof, acquits her of capitall punishment, but
 order, that she shall, for her swereinge & adulterous behavio^r, be seuearly
 whipt twise, first at Boston, & then agayne at Lin, within one moth
 after.

Whereas Hugh Gunison, of Boston, was lately sued at a Quarter Court Gunison sued
 for two butts of wine, which he had in his hands of Robt Knights, merchant,
 which was due to the country for custome of wines, & was cast in the actiō,
 & pd 11^{li} more then the sd Robt Knight will allow him, its therefore ordred
 by the authoritie of this Court, that the sd Hugh Gunison shall haue the
 fore^{sd} 11^{li} payd agayne by the auditor vppon acc^o, together with such charges
 as he was adiudged to pay by the Quarter Court, & the auditor shall haue
 libtie to take a due course in law for the recouery of the same of the afore^{sd}
 Rob^t Knight.

Its ordred by this Court & the authoritie thereof, that the sergent majors Ord: about
troops of horse.
 of every regiment shall forthwith list all such psons for troops to be vnder
 their comāund as shall willingly giue in their names to serue on horsbacke,
 who shall be bound to fīue or six dayes of exercise every yeare, at such times
 & places as the major or leutenant of the troopp shall appoynt, vnder the
 penalty of 5^s for every default, to be distrayned by the clarke of the trooppe,
 who shalbe sworne to leuie all forfeits for non appearance & defect of armes,

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[*142.]

as the Clarke of the foot companies are; & all troops shall be furnished with horse, bridle, & saddle sufficient, with sword, belt, & case of pistols, with holsters, or a carbine in a belt, at the appoyntm^t of the major, & to be allowed by him with one pound of powder & 20 bullets, or otherwise to the forfeit of 10^s for every defect, vnles the major se cause to mitigate or respite the fine; & it is also ordered, that all other defects & delinquencies of the troopers in the time of their exercise, & while they are vnder comāund, shalbe punishable by the two cheife officers of the trooppe, & to be distrayned by the Clarke as they are in the foote companies; & no troop once listed shall haue libtie to withdraw himselfe from the service without allowance from the major, but shalbe alwayes ready to attend all service that he shalbe comāunded by authoritie; & for the encouragm^t of this service, this Court doth hereby graunt to every troop that is or *shalbe furnished as is exprest in this order: First. Exempt from all traynings in all foote companies & cunstable watches; 2^y. Freedome from rates for his pson & horse; 3^y. Free comōnage for his horse in any of the towne comōns where he inhabits, & in any comōns where they are exercised during the time of their exercise; 4^y. Fiue shillings p^añum, to be payd him by the Treasurer; 5^y. Libtie to chose a lieutenant & other inferior officers; 6^y. His horse shall not be prest to any other service; 7^y. Free ferrage to & from their places of exercise, which shalbe p^t of the rent of those fferries which pay rent to the country; but such as pay no rent to the country shalbe allowed their 3d ferrag^e out of the treasury. This order to continue for the space of 3 years only, vnles the Court shall further confirme it.

Dorchester fer-
me.

Vppon certayne informatiō giuen to this Court, that there is no ferrie kept ouer Neponsit Riuer betweene Dorchester & Brauntry, whereby all that are to passe that way are enforced to head the riuer, to the great piudice of those townes thereabouts, & that there yet appeares no mā that will keepe it vnles he may be accomodated with hous^e, land, & a boat, at the charge of the country, its therefore ordred by the authoritie of this Court, that M^r Joh Glour shall & hereby hath full powre giuen him, either to graunt it to any pson or psons for the terme of 7 yeares, so it be not chargable to the country, or else to take it to himselfe & his heires as his owne inheritan^{ce} for ever, pvided that it be kept in such a place & at such a price as may be most convenient for the country & pleasinge to the Gen^lall Court.

See to M^r Wins-
low.

Its ordred by this Court, that the Treasurer, Cap^t Keayne, & James Penne shall take order to returne 50^{li} to M^r Winslow at London, & to haue powre to engage the country for the same, & for such intrest as they shall agree vppon, & the same to be satisfied out of the next rate, in such townes

& in such paym^t, brought in by the s^d rate, as themselues shall make choyse of; & this is ouer & aboue the 50th assigned him by the Treasurer allready. 1648.

Its ordred by this Court, that the auditor gen: & Cap^t Tingē shall take the Treasurers acc^o once every yeare, & p^sent the same to this Court, the first session of the Court, yearly, & that they shall take the accounts of the p^sent Treasurer for the time past, befor the next session of this p^sent Court, that so it may appeare from time to time what is in the treasury or what we are indebted.

13 May.
Treasurers ac-
compt.

Its also ordred, that the cōmissiono^rs for the rates in every shire shall within one moth after theire meetinge *send in to the auditor generall a trew transcript of the rates in the seuerall townes within such shire, who shall deliuer them ouer to the Treasurer to be collected as by the former order for that end established.

Cōmission^{rs} for
rates.
[*143.]

The Gouvern^r, Dep^t Go^vno^r, M^r Bellingham, M^r Hibbens, M^r Symons, Cap^t Hawthorne, Cap^t Keayne, Cap^t Atherton, the surueio^r generall, & M^r Edward Jackson are appoynted a cōmittee to joyne to pvse the articles of confederacō of the Vnited Collonies, as also the acts which haue past the cōmissiono^rs already, which may seeme to confound the powre of o^r Generall Court, or so interfere with it as may in a short time proue, not only p^riudiciall, but exceedinge vncomfortable. And, in the examinatiō thereof, what they shall finde of that nature, to take notice of it, & to drawe vp what remedies they can thinke of, with such arguments as may be p^rvalent with all whom it may concerne, to be as ready as o^rselues to certifie what is or may be found amisse, that o^r posteritie may haue no cause to blame vs for vnitinge o^rselues in such a way as is feared doth not now, nor is like to, answer y^e ends of the collonies hereafter, & what the majo^r p^rt of this cōmittee shall determine of (according to this order) to p^sent by our commissiono^rs to the rest of the cōmissiono^rs of the Vnited Collonies, that so this Court may re^ce a satisfactory answer from them accordingly at the next session of this Generall Court after the meetinge of the cōmissioners; & further, this Court refers M^r Eatons t^re to theire consideratiō, & giues them powre to re^t answer therevnto; & the day of their meetinge shalbe the first fowrth day of the fowrth moneth next.

Cōmittee on
articles of con-
federation.

Forasmuch as it appeares vnto this Court, vppon the petitiō of M^r Joh Thomson, sonne & heire of David Thomson, deceased, that the s^d David Thomson, in & about the yeare 1626, did take actual possessiō of an iland in the Massachusetts Bay, called Thomsons Iland, & being then vacū domiciliū, & before the pattent graunted to vs of the Massachusetts Bay, & did erect the forme of a habitā^t, &, dyinge soone after, left the petitiō an infant,

Ans: to Tom-
sons pet.
Thompson's is-
land claimed.

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who, so soone as he came to age, did make his claime formerly, & now agayne by his peř, this Court, consideringe the p̄mises, & not willinge to depriue any of their lawfull right & possessiō, or to p̄mitte any p̄iudice to come to the peř in the time of his nonage, doe hereby graunt the s̄d iland, called Thomsons Iland, to the s̄d Joh Tomson & his heires for ever, to belonge to this jurisdictiō, & to be vnder the gouern^t & lawes thereof.

Sudbury.

At the request of the inhabitants of the towne of Sudbury, Edmund Rice, Edmund Goodenow, & W^m Browne are appoynted cōmissiono^rs to end small causes there accordinge to law.

Noyse to
mary.

M^r Petter Noyse also is appoynted by the authoritie of this Court to joyne such p̄sons in marriage as haue bin published according to order at Sudbury afforešd.

[*144.]

Ans: to Salsb:
pet.

*In answer to the peř of the towne of Salsbury, the Court conceiues it meet that the little iland in Merimacke be reserued for the cōntries vse, & the greater iland is hereby giuen to the towne of Salsbury, reseruinge a sufficient high way for men & cattle, & the towne shall haue libtie to keepe a ferrie on theire side.

Cōmittee to ex-
amine the lawes.

Its ordred, that the audito^r gen: & M^r Joseph Hill shall examine the lawes now at the presse, & to see if any materiall law be not put in or mentioned in the table as beinge of force, & to make suply of them.

Capt. Keayne
to haue £30.

Its ordred, that Cap^t Keayne shall haue the 30^{li} which he layd out to M^r Fenwicke (which, vppon examinatiō, we finde to be due vnto him) out of the next country rate.

Ordred, that in the booke of lawes, tittle Appeales, in the last line saue on, (just) to be entred next before charges, & the auditor gen: to see it entred in every booke.

Courts resolu-
tions on vari-
ous proposi-
tions.

The resolutions of the Court concerning some p̄positions made to the Generall Courts of all the Vnited Collonies: 1 P̄positiō, pag̃ 17. Forasmuch as a meetinge is intended with the Dutch, in the 4th moneth next, for the endinge of diffrences & setling trade, its thought expedient to deferre any determinatiō about this p̄position vntill the result of that meetinge shall appeare, & then Court shall know better how to p̄ceede.

P̄positiō 2, pag̃ 17. In case where, for want of agreement of six cōmissionors, the matter shall be refeřd to the 4 Generall Courts, it is the mind of this Generall Court, concuring with the desire of the cōmissionors, that the agreement of any three of the Generall Courts shall determine the question. This Court will consider further of this.

P̄positiō 3^d, pag̃ 24. This consistinge of many braunches, & the Court not hauinge time to consider theire owne lawes & practise in this case, haue defeřd it to a committee to examine, & to certifie the next Court.

Propositio 4, pagē 24. It appeares in the booke of the acts of the commissiō's, that M^r Fenwicke should joyne with vs in ruīnge that south line, to deuide the question about Worronoco; but M^r Fenwicke fayld to send any to joyne with vs, wherevppon we did it at o^r owne charge, & Woronoco was therevppon ordred by the commissiō's to belonge to the Massachusets; but we shalbe ready to joyne with o^r brethren of Conecticote in a new survay, so as they wilbe at the whole chardge in this, as we were in the other, & withall pduce their pattent as we haue done.

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Propositio 5, page 25. This Court consents to this pposition, for allowinge two Indians, each of them, as, &c, vppon confidence of M^r Elliots good assurance of the faythfulln^s of those two Indians, so as the order be drawne v^p as an act of this Court. And this Court hath chosen the Gouvernor, Cap^t Keayne, Cap^t Atherton, & Major Denison to be a committee, they or any three of them to pforme this, the Gouvernor being one.

*In answer to the pē of Lawrence Southwicke, it is ordred, that the petitioner shall pay the 35^s charges mentioned in the s^d pē, & Scot, that is his servant, shall serue so much time wth his s^d master, when his time shall be expired, as shall be well worth 35^s, or satisfie the s^d Southwicke otherwise. By both.

[*145]

Ans: to Southwicke pet.

In ans^r to the petition of Cap^t Rob^t Keayne, Richard Broune & Richard Parker, Octob^r 20, 1648, (w^{ch} was) verbatim, sheweth,—

20 October.

That whereas this honnored Courte, about Decem^b, 1646, did graunt vnto your petitioners, and some others, libertie to view and lay out diuerse pcells of lands, dew vnto them, betweene the bounds of Dedham and Water Toune, if it were there to be had; and whereas, by order of Courte, the said grantees were to meete at the house of Richard Fairebanks, Decem^b 25, 1646, there to putt in their seuerall pporciō's of land they were to have, & then to cast lotts who should be first, & next laid out in order, w^{ch} yo^r petitioners did accordingly, and the first lott, for a thousand seventy nine ac^s, fell to Cap^t Rob^t Keayne; the second, for two hundred thirty six ac^s, fell to Richard Broune; and the third, for fower hundred thirty six ac^s, fell to Richard Parker; after w^{ch} settlement yo^r peticiō'n^s, to their great troubles & chardge, did goe to view the said place, where there was no such considerable quantity of land to be had, being taken v^p before by M^r Dunsters farme and others; therefore yo^r peticiō'n^s humbly desier this Courte that yow would graunt them power to veiue and lay out their seuerall pporciō's of land, and acording as their lotts fell, in some place wthout the bounds of Dedham line, if it be there to be had, and that the Court would appointe Edward Jackson, wth some other surveyor, that they cann gett to lay out the same; & yo^r peticiō'n^s shall humbly pray. This peticiō'n was graunted by both howses.

[Pages *146, *147, and *148 are blank.]

1648. **At a Session of the Generall Court of Election, held at Boston, the 18th of the 8th Moth: 1648.*

18 October.

[*149.]

M^R Richard Russell was chosen Speaker for the first weeke.
Thomas Vnderwood, a deputie from Hingham, vpon his vrgent occasions, was dismiss the Court.

Dutchmans
fine abated.

The master of the Dutch shippe, in regard he was but a straunger, his forfeit of eight pounds, for makinge 4 shotts in o^r harbour vppon the L^ds day, is remitted to forty shillings.

Shoe makers
incorporated.

Vppon the petition of the shoemakers of Boston, & in consideration of of the complaynts which haue bin made of the damaḡ which the country sustaynes by occasion of bad ware made by some of that trade, for redresse hereof, its ordred, & the Court doth hereby graunt libtie & powre vnto Richard Webb, James Euerill, Rob^t Turner, Edmund Jackson, & the rest of the shoemakers inhabiting & howskeepers in Boston, or the greatest number of them, vppō due notice giuen to the rest, to assemble & meete together in Boston, at such time & times as they shall appoynt, who beinge so assembled, they, or the greater number of them, shall haue powre to chuse a master, & two wardens, with fowre or six associats, a clarke, a sealer, a searcher, & a beadle, with such other officers as they shall find nessessarie; & these officers & ministers, as afforeṡd, every yeare or oftener, in case of death or departure out of this jurisdiction, or remoueall for default, &c, which officers & ministers shall each of them take an oath sutable to their places before the Gou^rnor or some of the magisṡts, the same beinge p^rscribed or allowed by this Court; & the ṡd shoemakers beinge so assembled as before, or at any other meettinge or assembly to be appoynted from time to time by the master & wardens, or master or wardens with two of the associats, shall haue power to make orders for the well gouerninge of their company, in the mannaginge of their trade & all the affayres therevnto belonging, & to change & reforme the same as occasion shall require, & to añex reasonable pennalties for the breach of the same; provided, that none of their ṡd orders, nor any alteration therein, shalbe of force before they shalbe p^rysed & allowed of by the Court of that county, or by the Court of Assistants. And for the better executing such orders, the ṡd master & wardens, or any two of them with 4 or 6 associats, or any three of them, shall haue power to heare & determine all offences agaynst any of their ṡd orders, & may inflict the pennalties p^rscribed as aforeṡd, & assesse fines to the vallew of forty shillings or vnder for one offence, & the clarke shall

giue warrent in writinge to the beadle to leuie the same, who shall haue power thereyppon to leuie the same by distresse, as is vsed in other cases; & all the sd fines & forfeitures shalbe imployd to the benefit of the sd company of shoemakers in generall, & to no other vse. And vppon the complaynt of the sd master & wardens, or their atturn^y or advocate, in the County Court, of any pson or psons who shall vse the art or trade of a shoemaker, or any pt thereof, not beinge approued of by the officers of y^e sd shomakers *to be a sufficient workman, the sd Court shall haue power to send for such psons, & suppress them; provided also, that the prioritie of their graunt shall not giue them precedency of other companies that may be graunted; but that poynt to be determined by this Court when there shalbe occasiō thereof; provided also, that no vnlawfull combination be made at any time by the sd company of shoemakers for inhancinge the prices of shooes, bootes, or wages, whereby either o^r owne people may suffer; provided also, that in cases of difficultie, the sd officers & associats doe not pceede to determine the cause but by the advice of the judges of that county; provided, that no shoemaker shall refuse to make shooes for any inhabitant, at reasonable rates, of their owne leather, for the vse of themselves & families, only if they be required therevnto; provided, lastly, that if any pson shall find himselfe greiued by such excessiue fines or other illegall pceedinges of the sd officers, he may complayne thereof at the next Court of that county, who may heare & determine the cause. This commission to continue & be of force for three yeares, & no longer, vnles the Court shall see cause to continue the same.

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18 October.

[*150.]

Shoemakers

The same comission, verbatim, with the same libtie & power for the same ends, vpon the like grounds, is giuen vnto Thomas Venner, John Millum, Samuel Bidfeild, James Mattocks, W^m Cutter, Bartholomew Barlow, & the rest of the coops of Boston & Charlstowne, for the pventing abuses in their trade. To continue only for three yars, as the former, mutatis mutandis.

Coop's graunt.
Coopers.

In answer to the peṭ of Robt Saltingstall, the Court allowes him libtie to sue for his land as he desires, and if Douer men haue damnified him, he may sue for recompence; for except he had mentioned the order of this Court in his pjudice, we cannot take notice of any; for the writing he speakes of in David Sellacks hand, if he will not pduce the peṭ, may compell him to it by course of law, & wⁿ it is pduced the Court will consider of it.

Ans: to Sal-
tingstalls peṭ.

Whereas the keepinge of sheepe tends much to the good & benefit of the country, & may make a good supply in a short time towards the clothinge thereof, if they were caṛfully pserued, and forasmuch as all places are not

Ord: for sheepe
in commons, 5
sheep equal to
a great beast.

1648.

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[*151.]

convenient for that end, it is therefore ordred, that henceforth it shall be lawfull for any man to keepe sheepe in any common; be it for cowes, oxen, &c, belonginge to the towne where he liues, or where at that time he may haue right of common, & that without any limitation in cõmons not stinted; and in such cõmons that are stinted, it shalbe lawfull for any inhabitant to keepe any or all his pportion in sheepe, accounting 5 sheepe to one great beast. And it is further ordred, *that if any pson shall course with a dogge, or other wayes molest such sheepe, by driueing them from theire feedinge, he shall pay 5^s for every offence, besides double dammages; & if any dogg shall kill any sheepe, the owner shall either hange his dogg forthwith, or pay double dammages for the sheepe; if y^e dogg hath bene seene to course or bite any sheepe before, not being sett on, & his owner hath had notice thereof, then he shall both hange his dog & pay for the sheepe; if, in such case, he refuse to hange his dog, then the constable of the sd towne shall cause it to be done. By both.

Ans: to Engalls
pet.

In answer to the pē of Robt Engalls, concerninge the death of his father at Lin bridge, it was ordred, that a warrent should goe from this Court to the marshall of Salem, to warne another jury, none to be of Lin, to enquire of the death of the sd Engalls, & to certifie it to the next Court of Assistants, & the jury to be sworne by Cap^t Bridges. By both.

Ord: about
wolves.
Wolves, bound
ty for killing.

Its ordred by this Court, & by the authoritie thereof enacted, that any inhabitant, English or Indian, within this jurisdictiō, that shall kill any wolfe or woules, makinge good pfe to the constable of y^e towne where such wolfe is kild, bringing of theire heads, which the constable is to bury, if any English shall kill any, he shalbe allowed thirtie shilling, at the least, by the constable of the towne for the time being, ten shillings whereof the Treasurer, in the next leuie that issues out of that towne to the country, he shall allow to the cūnstable; and for every Indian that shall kill any wolfe, he shalbe allowed 20^s, ten whereof shalbe allowed by the Treasurer, as before, backe agayne to the constable, as afforeṣd. This law to be of force for the space of fowre yeares. Voted by both.

Hounds to be
kept.

Its ordred, that the select men of every towne shall, & hereby haue powre giuen them, to purchase or peure, with the townes stock, so many hounds as they shall thinke meete, & to impose the keepeinge of them on such as they judge fittest, that so all meanes may be improued for the destruction of woules, & that no other dog be kept in any towne but such as the select men shall se meete; pvided, that no magistra^t shall haue any hound imposed vpon him, nor dogge taken from him, wthout his consent. By both.

Starbucke.

This Court, being informed of great misdemenor comitted by Edward

Starbucke, of Douer, with p̄fession of Añabaptisme, for which he is to be p̄ceeded agaynst at the next Court of Assistants, if evidence can be p̄pared by that time, & it beinge very farre for wittnesses to travill to Boston at that season of the yeare, it is therefore ordred by this Court, that the secritary shall giue cōmission to Cap̄t Thomas Wiggan & M^r Edw: Smyth to send for such p̄sons as they shall haue notice of which are able to testifie in the s̄d cause, & to take theire testimonie vppon oath, & certifie the same to the secritary so soone as may be, that further p̄ceedinges may be therein if the cause shall so require. By both.

1648.

18 October.
Anabaptist tes-
timony to be
taken.

*Whereas there hath ben lately a p̄t̄ p̄fērd to this Court, subscribed by the vintno^rs of Charltowne & Boston, wherein they expresse theire desires for an abatement of the imposition of the Court layd vppon such as sell wine by retayle in Charltowne or Boston afforeśd, or else that they might come to a compositiō for what they so sell, the Court, vppon conferance had with y^e petitiono^rs, haue concluded & agreed with them as followes: that whatsoever is due to the country from them, or any or either of them, for sellinge of wine, or licences so to doe, vnto this day, shalbe duly payd, & full satisfaction made; & for the future we further make this agreement & composition with all the s̄d vintno^rs in now licenced in Boston & Charltowne afforeśd, that from henceforth they shall pay from yeare to yeare, for theire licences & libties to sell wine, & imposition layd therevpon, the full sūme of one hundred & sixtie pounds p̄ añ, current pay, to be payd by the s̄d vintners vnto the Treasurer for the time beinge, the one halfe at the expiratiō of six moneths now next ensuinge, & the other halfe at a years end; and so to continue the payment of the foreśd sūme of 160^{li}, in the forme before exprest, for the terme of fīue yeares now next followinge, they sellinge wine at such rates as they are now sould for; also, its further ordred, that no p̄son or p̄sons whatsoever, inhabiting within the townes aboue mentioned, shall from henceforth haue any libtie to sell wine by retayle but such as are already licenced, vntill the s̄d terme of fīue yeares be expired & ended; and the s̄d vintnēs to giue bond to the Treasurer, wherein they shalbe bound joyntly & seūally for the true payment of the s̄d 160^{li} yearly, accordinge to the s̄d order of composition; & Cap̄t Keayne & James Pen are chosen a cōmittee to confirme o^r graunt when the Court is ended; and for the better enablinge the s̄d vintnēs to pay the s̄d composition, & that neither they nor the country may be wronged by other p̄sons retaylinge of wines without licence or any satisfactiō to the publick, it is ordred by this Court, that for the better recoueringe the pennalties imposed vppon such offenders by a former law, & for the better discoūy of the same, it shalbe lawfull to the s̄d vintners of Boston & Charltowne to chuse two meete

[*152.]
Vintn^{rs}.

Proposals to
dealers in wine.

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psons, one for Boston & the other for Charltowne, who, beinge allowed vnder the hand of any two of the magistraſs, shall haue powre from time to time to enter into the howses of all such psons in the ſd townes as they shall suspect to retayle wines contrarie to law, & to warne such psons as they shall find there drinkinge, or latly to haue drunke wine there, to goe forthwith before some magistrat to be examined vppon oath concerninge the same, & vppon due testimony such magistrat shall send for the pson so found to haue retayld any wine, & bind him ouer with sureties, if he see cause, to the next Court, there to be pceeded with accordinge to law, & beinge found guilty, the ſd pennaltie of fīue pounds, by law appoynted, shall forthwith be leuied without any reseruatiō or mitigatiō; and vppon any *informatiō giuen to any magistrat at any time, by either of y^e ſd psons so allowed to search, or by any of the ſd vintners, of any pson so retaylinge wine contrary to law, & of any psons who are supposed to be able to testifie thereof, such magistrat shall send for such pson, & pccede therein as before. By both.

27 October.

Dat: 27 (8) : 48 :

Prises of corne.
Corn.

Its ordred, that all sorts of corne which shalbe payd in the country rate shalbe payd at these rates & prises following, viz. : wheat & barly at 5^s p bushell, rye & pease at 4^s p bushell, & Indian at 3^s p bushell; provided, that this order shall not concerne any corne other then what is payd in for rates. By both.

Ans: to Hal:
pet.
R. Hall.

Whereas M^{rs} Rebeckah Hall, of Salisbury, pferd a peſ to this Court for the confirmatiō of the sale of some lands lefto her by her husband, deceased, & was referd for answer to the Court at Hampton, which she being ignorant thereof, nothinge was done, the Court, vppon her second motion, refers her to be answered at the next Court at Salisbury. By both.

Ans: to Moores
pet.
E. Moores.

In answer to the peſ of Edmund Moores, of Newbery, for the confirmatiō of the sale of certayne lands sould him by the executors or oūseers of John Lowle, of Newbery, afforesd, it was ordred, that vppon the payment of the sume mentioned in the deed of sale to the executors or oūseers of of the ſd Lowle, the inheritance of the land, together with the libties mentioned in the ſd sale, should be hereby confirmed. By both.

A law interpret-
ed.

A question arisinge about the interpretation of a clause in a law made (42) about triall of actions, &c, viz., whether a psonall action, as for battery, &c, arising vppon an act comitted in England, & the pties come both into this jurisdiction, whether by the ſd law we are barred from trying the action of battery in this jurisdiction, it was resolued vppon by the Court, that we are not barred by that law, because a psonall actiō followes the pson, & from the pson only the cause of the action ariseth.

Ans: to Linn
pet.

In answer to the peſ of the towne of Lin, for some yearly allowance

towards the repayringe of a bridg there called Lin bridge, it is ordred, that there shall from henceforth be allowed thirty shillings p annū out of the treasury of the country toward the mayntenance of the sd bridge, for which the inhabitants of Lin are for ever to repayre it.

1648.

27 October.
Lynn bridge.

Whereas, by a former order of Court, the maio^{rs} of the seſſall regiments are to cause theire seſſall regiments to meete & exercise once in every yeare, which is found by experience to be ouerburdensome to the country, for the pvention whereof, as also that the millitary officers & souldiers might haue all due encouragment in the pformance of theire office & services, as well as some relaxation of theire paynes & charges, it is ordred, that the regiment vnder Major Gibbons shall meete & exercise together the next yeare, & that regiment vnder Major Sedgwicke the next yeare after, & that regiment vnder Major Denison the *the* third yeare, so that euery yeare one regiment only shall so meete & exercise together, & that every yeare that regiment **that regiment* that shall so meete & exercise, the maior thereof for the time beinge shall haue twenty pounds allowed him out of the treasure to defray his charges. By both.

Ord: about
maio^{rs}.
Orders about
militia.

[*154.]

Whereas the last order concerninge the Castle, about three yeares since, appoynted a garison of 20 men in summer & ten in winter, besides the cap^t & gunner, which charges amounted vnto 280^{li} p annū; at 30^{li} p annū for the cap^t & gunner, & 12^{li} p annū for the souldiers, 150^{li} to be p^d by the country, the remaynder by the 5 townes, viz., Boston, 52^{li}; Roxbury, 15^{li} 12^s; Dorchester, 20^{li}; Cambridge, 20^{li}; Charlstowne, 20^{li}; notwithstandinge, we are informed that by reason of the small allowance to souldiers, the Castle hath seldome or neuer ben supplyed with the full number before mentioned, & many times with vnmeete & vnseruiceable men, & however the townes are willinge to continue the former contributions accordinge to theire pportions, yett are not able to supply men according to theire first vndertakinge without inlarginge theire contributions, which be to heaue a burthen at the least to some of them: these things considered, the Court doth therefore order, that a garison of ten men a weeke, from the 10th of the 2^d moth till the 10th of the 8th moth, & 6 men a weeke for the other six mo^{ths}, shall suffice; provided, that vppon an allarum giuen by the Castle, viz., by shootinge off two great guns, & firing of a beaçon, & hoysting & lowering the flag, or any two of the sd signes, the counsell of common wealth, or, in theire absence, the Goūnor, or any magistrate, or, in theire absence, the cheife millitary officer then in Boston, shall forthwith send 40 men, sufficiently armed, &c, for defence of the sd Castle, till further order be taken.

Ord: about y^e
Castle.
Castle, doings
respecting.

And to the end that the Castle may be constantly furnished with the

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foreſd garison of ten men in summer, & six in the winter, it is further ordred, that euery souldier shall haue allowed him viij^s a weeke; & if meete men cannot be hired by the cap^t of the Castle for the ſd allowance of viij^s a weeke, he, the ſd cap^t, shall haue powre from the Goūnor for the time being, or any two magistrats, to presse meete men for the afforeſd seruice; & the cap^t shall take care to imploy the ſd souldiers 4 howres a day, either in repaying or addinge to the fortificatiō of the ſd iland as in his discretion he shall thinke meete; and, whereas there wilbe in this way about fortie pounds p anⁿ of charges lessened, it is ordred, that Cambridge shalbe abated 5^l 15^s p anⁿ; Roxbury, 24 bushells of Indian corne, & the country to haue the benefit of the rest, which wilbe neere 30^l. p anⁿ; the other three townes to contynue theire former contributions. By both.

Ans: to Mis-
ticke pet.

[*155.]

In answer to the pe^t of the inhabitants of Misticke, concerninge the alteration of a high way between Winnesmet *and Reddinge, it is ordred, that Thomas Line & M^r Joseph Hills shalbe joyned with the former co^mittee, to take a new survey of of the most convenient place for the way in the pe^t mentioned, & to make certificate to the Court of theire apprehensions thereabouts. By both.

Ans: to Mr.
Pelham's pet.
T. Waldgraves
heirs.

In answer to the pe^t of M^r Herbert Pellam for eight hundred acres of land, due to him, for & in consideratiō of one hundred pounds aduenture, put into the common stocke by himselfe & his father, M^r Thomas Walgraue, it is ordred, that the ſd M^r Pelham should haue his 400 akers of land for himselfe, & the other 400 acres for the heires or assignes of M^r Thomas Walgraue, in such place or places as not pⁱudiccinge any plantation he, the ſd Herbert, shall, by his agents, find out & allot vpon. By both.

Ans: to Bost:
pet.
Boston fair.

In answer to the pe^t of the inhabitants of Boston, for two fayres in a yeare, to continue for two or thre dayes togeather, the Court hath graunted theire request, the one to be the first third day of the third moth, & the other the first third day of the eight moth, to continue as afforeſd. By both.

Ans: to Coles
pet.
E. Cole peti-
tion.

In answer to the pe^t of M^{rs} Elizabeth Cole, widdow, for satisfactiō in respect of the cancellinge of a deed of 40 markes p anⁿ, it was resolved vppon that this petitiono^r hauing received a satisfactorie answer vppon a former petitiō, for the restoringe her ſd deed to its due force & efficacie, (which her selfe acknowledgeth,) this Court hath no more to doe, especially the petitioner not hauinge vsed any endeouour to reape the benefit of the ſd order, by psecuting vppon her ſd deed, as she ought, & p^ttended to doe; & whereas she p^ttends the absence of her brother, Frauncis Dough- tie, &c, this Court will endeouour to pcure him here to Boston to answer her, &c, if shee will put in good securitie to pay such charges & damages as

shalbe judged agaynst her, if the cause, vppon hearing, shall passe agaynst her. By both.

1648.

27 October.
Ord about
drunknes.

Whereas it is found by experience that a great quantitie of wine is spent, & much thereof abused to excesse of drinkinge, yea, vnto drunkenesse itselfe, notwithstanding all the wholesome lawes pvided & published for the pventinge thereof, which tendeth much to the dishonour of Gd, the discredite of the gosple, the shame of the country, & very offenseiue to all godly people amongst o'selues, & such as are in confederation with vs, and it is to be feared that if it be not speedily pvented, it will some stroake of Gds heauie hand vppon vs, its therefore ordred by this Court, that if any pson or psons who are allowed to sell wine or beere shall from henceforth conceale in his howse any pson that shalbe found drunken, & shall not forthwith pcure a cunstable, whereby such a drunken pson may be brought before some magistrate, to the end he may receiue condigne punishment, as also in the meane time to stay such a drunken pson vntill a cunstable can be pcured, he, the sd vintner, or drawer of beere, shall forfeit for every such default fīue pounds, to the vse of the country; and it is hereby declared that the power of each magistrat is further ratified, & theire vtmost *care therein is further desired, & that as often as they shall thinke meete they shall commaund a cunstable to accompany them by day or by night, to enter into any tauerne or victualling howse, to search out any such disorders as afforẽsd, and findinge any such pson or psons, to imprison them, or put them into the stockes, accordinge as he shall see cause, vntill it shall be determined of according to law. By both.

[*156.]

Stephen Forsdicke beinge fined for his miscariage, by this Court, twenty pounds, vpon his peť, & the reasons therein alleaged, his sd fine is abated to fīue pounds, which being well satisfied, his land is discharged accordinge to his desire. By both.

Forsdicks fine
abated.

In answer to the peť of the inhabitants of Dedham, Eliazer Lusher is confirmed to be theire capť, Joshua Fisher theire leutenant, & Henry Phillipps their ensigne. By both.

Answ: to Dedh.
pet.

Vppon the request of those whom it most concernes, the village at the New Meddowes, at Ipswich, shalbe henceforth called Toppesfeild. By both.

In answer to the peť of the inhabitants of Dorchester, for some iland for & towards the mayntenance of a free schole amongst them, & in leiuē of Tomsons Iland, which is now taken from them, it was agreed vppon by the Court, that when the towne should p'sent that which was fit to be giuen, it should be conferd vppon them.

Ans: to Dor-
chester pet.

Vppon the request of M^r Joh Eliot, pastor to the church at Roxbury, it was ordred, that none in Boston should sell wine to the Indians but W^m

Ord: about In-
dians.

1648. Phillipps, vppon pennaltie of 20^s, to be heard & determined by any magistrat, in case of drunknes. Consented to by both.

27 October.

Vppon the request of the inhabitants of Wooburne, Leiuetenant Edward Johnson is appoynted for one yeare to marry such psons there as are published according to order.

Ans: to Ando:
pet.

In answer to the request of the inhabitants of Andou^r, that some meete men might be appoynted to set out the way from Andou^r to Newbery, from Andou^r to Rowly, & from Andovo^r to Ipswich, it was ordred, that in regard no psons were nominated, it should be issued by refferinge those whom it may concerne to the County Court, who haue powre to order matters of this nature.

Arnold's bill
graunted.

W^m Arnold, p^senting a bill of charges to the vallew of 5^{li} 10^s 7^d, which he layd out at seuerall times for the countrys vse, as by the s^d bill appeares, is allowed the fore^sd sume, with 3^{li} 6^s & 8^d for his owne charges & paynes, for which he neuer had allowance. By both.

Websters bill
allowed.

Joh Webster, cunstable at Strabery-Banke, p^senting a bill of charges for the cariage of Henry Taylor to the prison at Boston, to the vallew of 5^{li} 4^s 0, as by p^ticulers in the s^d bill appeares, for the satisfacti^on of whom, it was ordred, that the secritary should giue warrent to the marshall of *Puscataque to leuie the same out of the estate of the s^d Taylor; & if Taylor hath not sufficient, &c, then the s^d warrent to be to require it of the inhabitants of Puscataq, & for non payment to leuie the same.

[*157.]

Ans: to Oliuers
pet.
M. Oliver.

In answer to the petiti^on of Mary Oliver, for the remissi^on or abatm^t of her fine of ten pounds, layd vppon her by the Court at Salem, for some miscariage, it was ordred, that her fine should not be remitted, but that the Court would take some further triall of her vpon her p^sent submissi^on & p^mise, but are willing & doe order, that her s^d fine shalbe respited for the leuying of it vntill the Court shall giue further order therein.

Ans: to Hei-
dons pet.

In answer to the p^et of Joh Heydon, for some releife in respect of his distracted or possessed child, it is ordred, that the petitioner shall haue five pounds giuen him by the country, to be payd by the auditor generall out of the reuennes that cometh from the impositi^on layd vpon wines. By both.

Ans. to Leuens
pet.
R. Leavens.

In answer to the petiti^on of Rachell Leuens, of Roxbury, it is ordred, that, accordinge to her request, she shall enioy the howse & land left her by her late husband (Joh Leavens) dureing her naturall life; findinge the howses & fences in repayre, so to leaue them to her children after her decease; and also it is further ordred, that the land sould by her s^d husband before his death vnto Martin Stoben, & since by him vnto Richard Gardener, shalbe

confirmed & made good vnto the ſd Martin, & Richard Gardener, & to his assigns for ever. By both. 1648.

27 October.

Ans: to Mr Endecotts pet.

In answer to the pet of Major Generall Endecott, for the layinge out of fve hundred & fifty acres of land graunted to him by the country, & two hundred & fifty acres giuen to Cap^t W^m Hawthoꝝ, & two hundred & fifty acres giuen to Cap^t Traske, both of Salem, it is ordred, that all the ſd lands shall forthwith be layd out in such places where the Court hath graunted them; & the men appoynted to lay it out are Leiutenant Walker & Sergeant Marshall, both of Reddinge. By both.

Christopher Clarke beinge fined for shootinge off some great guns in the night in the harbour at Boston, vppon his pet his fine is remitted. By both. Clarks fine remitted.

For the better caryinge on of the occasions of the Generall Court, & to the end that the records of the same, together with what shalbe pſented by way of pet, &c, or passe by way of vote either amongst the Magiſtrats or Deputies, may hereafter be more exactly recorded & kept for publicke vse, it is hereby ordred, that as there is a secretary amongst the Magiſtrats, (who is the generall officer of the common wealth,) for the keepinge of the publicke records of the same, so there shalbe a clarke amongst the Deputies, to be chosen by them from time to time; and that their shalbe pꝛvided by the auditor generall fower large paper bookē, in folio, bound vp with vellam & pasboard, agaynst the next Court of Elections, when the officers are to begin their duties, & their recompence to be payd accordingly; two of which ſd bookes shalbe deliuered to the secretary, & two to the clarke of the Howse of Deputies; one to be ^aa journall to each of them, the other for the fayre entry of all lawes, acts, & orders that shall passe the Magiſtrats & Deputies; that of the secretary to be the publicke records of the country, that of the clerke to be a booke only of coppies; and that the secretary & clerke for the Deputies shall briefly enter into their journalls respectiue the titles of all bills, orders, lawes, petitions, &c, that shalbe pſented & read amongst them, what are referd to committees, & what are voted negatiue or affirmatively, & so for any additions or alterations. And that all bills, lawes, petitions, &c, that shalbe last concluded amongst the Magiſtrats, shall remayne with the Gouvernor till the latter end of that session, & such as are last assented to by the Deputies shall remayne with the Speaker till the ſd time when the whole Court shall meete together, or a committee of Magiſtrats & Deputies, to consider what hath past that sessions, where the secretary & clerke shalbe pſent, & by their journalls call for such bills, &c, as haue passed either howse; & such as shall appeare to haue passed the Magiſtrates & Deputies shalbe

Ord: for secretary & clarke.

Books for records to be provided for secretary and clerk of Deputies.

[*158.]

Manner of keeping the public records.

1648. delivered to the secretary to record, who shall record the same within one moneth after every session, which being done, the clerke of the Deputies shall haue libtie for one moneth after to transcribe the same into his booke of coppies; and such bills, orders, &c, which haue only passed the Magistrates, shalbe delivered to the secretary, to keepe vppon file, & such as haue only past the Deputis shalbe delivered to the clarke, to be kept vppon file in like manner, or otherwise disposed of, as the whole Court shall appoynt; and that all such lawes, orders, & other acts of Court conteyned in the old bookes that are of force, & not ordred to be printed, shalbe transcribed into some alphabetically way, or methodically way, by direction of some committee that this Court shall appoynt, & deliuered to the secretary to record in the first place in the sd booke of records, & then the acts of other sessions in order accordingly, and a copie of all to be transcribed by the clarke of the Deputies, as afforesd; and that the secretary shalbe allowed for his paynes 20 marks p annū, & the clerke of the Deputies ten pounds p annū, to be payd by the Treasurer, till the Court shall appoynt their recompence by fees or otherwise. By both.

Farmours of
custome.

[*159.]

Excise on wine
farmed out.

Forasmuch as we find by experience some inconueniencys that arise in gettinge in & gathering vpp the custom of wine, as it hath hitherto ben carried on, & that we are willinge to avoyd offence as much as may be, in consideration whereof, as also for & in the *consideration of the sume of one hundred & twenty pounds p annū to be giuen by Major Robert Sedgwicke & M^r Richard Russell, of Chalcotowne, it is ordred, & the Court doth hereby graunt the sd custome of wines for & duringe the terme of fowre yeares now next cominge, they or either of them paying the foresd sume of one hundred & twenty pounds p annū to the capt^t & garrison at the Castle, as a pt of that which the country is engaged to pay vnto them, or otherwise, as the Generall Court shall appoynt from time to time; and full power is hereby giuen vnto the foresd Major Sedgwicke & M^r Russell to vse all lawfull wayes & meanes for the recouery of the same accordinge as the law in that case hath pvided.

Ans: to Lin
pet.
Lynn iron
works.

In answer to the inhabitants of Lin, who, in their pet^t, desire a right vnderstandinge of a clause in the libtie graunted to the vndertakers of the iron workes, viz., what is intended by freedome from all publicke taxes, assessments, & contributions, whether pticuler towne taxes, &c, both ciuill & ecclesiasticall, it is resolved on by the Court, accordinge to that which the law interprets, that by publicke rates, taxes, &c, are ment rates, leuies, or assessments of the common wealth, & not of the towne or church. By both.

Ans: to M^r
Rawsons pet.

In answer to the petitiō of M^r Edward Rawson for satisfaction in regard

of charges he hath ben at, & dammages which he hath sustaynd, about pvisions to make gunpower, it is ordred that, in regard of his great forwardnes & readynes to advance so hopefull a designe as the makinge of saltpeter within this jurisdiction, who, for that end & purpose, hath disbursed certayne monyes to his great losse & damage, presented to vs at large in his petition deliuered into the present Court, haue therefore, in consideration of the promises, & answer to his sd pet, giuen and graunted vnto him & his heires forever fve hundred acres of land at Pequot, to be layd out by the appoyntment of this Court, as also fve pounds to be payd him out of the treasury. By both.

1648.

27 October.

Whereas by experience it is found very burdensome to this Court that many petitions of inconsiderable concernment are at every Court presented, which occasions much expence of time, & tends greatly to the exhaustinge of the estate of the country, in consideration whereof, it is ordred by this Court, that from henceforth all petitions which are of a common & ordinary nature, the petitionor shall, on the deliucry thereof, pay vnto the secritary or clarke, where the same shalbe deliuered, two shillings & six pence for every petitiō; and all petitions for the abatement of fines, or the remittment thereof, shall pay vnto the secritary or clarke ten shillings; and all petitions for gratuities shall likewise pay ten shillings, in manner & forme as is before exprest; and all petitions that concerne controversies betwixt pson & pson, towne & towne, shall pay ten shillings; as also all petitions for debts betwixt ptie & ptie brought from Quarter *Courts, or that concerne appeales, shall pay ten shillings, besids the charge of the Court, as by former order is pvided for; and all other petitions, of what nature so ever they be of, to pay accordinge to these pportions, pvided that all such petitions as concerne any engagement that shalbe betwixt the country & any of or creditors are herby exempted; and that any magistrat or deputie of this Court may present any petition wherein his owne psonall right is concerned, payment of fees exempted; and that there shalbe a trew entry made by the secritary of the number of petitions that shalbe deliuered to the Magistrates; and that the like shalbe done by the clerke of the Deputies of all the petitions which shalbe deliuered vnto them; & all such fees as are pduced by such petitions shalbe receiued or secured by the secritary or clerke, & discounted in pt of their annuall allowance giuen vnto them by the Court, or considerations expressed in the order that concernes their employmt. By both.

Petitioners to pay.
Petitions to the court taxed.

[*160.]

Deputies exempt from petition fees.

Vppon the petition of Frauncis Hudson & James Heydon, farmours of Charlstowne ferry, wherein they expresse there desirs that some course may be taken to pvent passengers disorderly pressinge into boats & escapinge out

Ans: to ferimens pet.

1648. of them without paying their fare, pretending that they have nothing to paye, or that they are on the countryes service, it is ordered, that from henceforth it shall be lawfull for any ferriman to demand & receive his due before his boate puts off from shore, nor shall he be bound to passe over any that shall not give satisfaction; & any ferry man **may** refuse any wampom not strunged or vnmerchantable; & such persons, whether horse or foot, which are passage free by order of Court, must shew something sufficient for their discharge, or else must pay as others doe, except magistrates & deputies, who are generally knowne to be free. By both.

27 October.
Order for ferry-
men.

Law books dis-
tributed to the
members.

It is ordered by the Court, that the booke of lawes, now at the presse, may be sold in quires, at 3^s the booke; provided, that every member of this Court shall have one without price, & the auditor generall, & Mr Joseph Hills, for which there shall be fifty in all taken vpp, to be so disposed of by the appoyntment of this Court.

Pococks pay.

It is ordered, that Mr Pococke shall have his fifty pounds, to be paid to his agent here in come, if he will accept of it; if not, some course to be taken by the Tresurer to pay it in England if he can, & the like course to be taken for the payment of Mr Sherly.

Armitage to
sell wine.

Joseph Armitage hath liberty graunted him to sell wine at Lin for one year now next coming, for which he is to pay 6^u 13^s 4^d to the Tresurer.

[*161.]
Townes fined.

The townes of Dorchester & Hull, for being defective *in sendinge in their commission^{rs}, & for not furnishing them with sufficient instructions for makinge the country rate, their fines specified in the order concerning rates are abated vnto five shillings a towne. By both.

The townes of Brantry & Hingham being defectiue in sending in their com^{mission}ers for making the country rate, their fines specified in the order concerning rates are abated to forty shillings a towne. By both.

Ans: to Davi-
son pet. ab^t
Misticke
bridge.

Mistick bridge.

In answer to the petition of Nic^o Davison, in the behalfe of M^{rs} Cradocke, for the repaying & mayntayning of Misticke bridge by the country, the sd Mr Davison being sent for, the evidence he can give being heard & examined, with the records of the Generall Court, it appears that though the Generall Court did engage for an exemption from rates for that yeare, & finishing the same on their owne charges, which accordingly hath ben pformed; but it appeares not that in the least the Generall Court did ingage to the repaying thereof; the Court, being satisfied with the records, doe order that the sd Misticke bridge henceforth shall not by the country any way be repayed, & that the passage for travillers shall be over the ford which is above the bridge. And further, for the preventing future charges about bridges & high wayes, it is ordered, that all bridges & high wayes in the limitts of the

seuerall townships that now are, or hereafter shalbe, made, shall by the seuerall townes in whose limitts such bridges & high wayes are, be by them made, repayed, & mayntayned. By both.

1648.

27 October.

The iland called Lovills Iland is giuen vnto the inhabitants of Charltowne & theire heires for ever; pvided, that halfe of the timber & firewood shall belonge to the garison at the Castle, to be improued wholly there. This was ordered with the consent of the deputies of Charltowne. By both.

Lovills iland.
Lovel's island

In answer to the peñ of Pomhom, sachem of Showamat, who complaynes of iniuries offred him by the English there, it is ordred, that when the season of the yeare shalbe fitting, comissioners shalbe sent to heare & determine the matters of this peñ, & to make certificate thereof, so as the Court may pceede to determine the same accordinge to justice, which is the rather to be done because the other pties haue complayned to the comissioners latly of great iniuries & damages sustayned by them from the petitionor & his men; and that the Gouvernor, or some other, be intreated to write to the English who abuse them, to forbear any further so to doe. By both.

Ans: to Pomhom.

Mr Saltingstall & Mr Symons, two of the magistrats of this jurisdiction, being fined for theire absence from Court fifty shillings, each of them, vppon hearing of their excuses, & finding them to be reasonable, theire fines are remitted. By both.

Magistrats
fines remitted.

It was left to the Court of Asistants, if they should thinke fit, to appoynt a day of thanksgiuing throughout the collony.

Thankes giuing.

*This Court, beinge informed that there is a dangerous passage, for want of a bridge ouer Ipswich riuer, about 4 miles from Reddinge, especially in winter, & at the springe, when the waters are high, where some travillers haue beene in great danger of drowninge, it beinge the comon roade to Andouor & Haverill, & the neerest way from the bay, by many miles, to the eastward, doe therefore order, that the lands formerly graunted to Cap^t Keayne for himselfe, & those whose lands he purchased, together with those lands which haue ben graunted to Mr Richard Browne, Mr Parker, W^m Denison, W^m Parkes, & Joh Johnson, shalbe layd out in the place where abouts this bridge is to be built, they offering, at theire owne charges, psently to build this bridge, if no farmes be layd out therevpon already; but if there should, it is ordred, that the country should be freed from the sd bridge, & the owners of the land shalbe liable therevnto. By both.

[*162.]

Bridge at Ipswich.

Ipswich bridge
to be built.

Maio^r Gibbons, havinge some wines aboard the Dutch shippe, part whereof he intends to carry to Virginia, desiringe he may haue leaue to land so many butts as want triminge, & take them aboard agayne, without payinge of custome, hath his request graunted. By both.

Majo^r Gibbons
gratified.

1648.

27 October.
Ans: to Hing:
pet.
Ans: to Mr
Winthrops
pet.
Stephen Win-
throp petition.

In answer to the peť of the trayned souldiers of Hingham, that they might be pvided for in respect of military offices, it is ordred, that Mr Bozoon Allen shalbe their leutenant, & Joshua Hubbard their ensigne. By both.

In answer to the peť of Mr Stephen Winthrop & Barbara, late wife to Joseph Weld, for repayringe their losses & charges which they haue expended in the suite with Aldermā Barkley, the Deputies apprehend the country is no way engaged to answer the petitiono^{rs} request; one mayne reason of their ap^hention is, because the negative vote of the Magistrats hindred the pceedinges which would haue freed the petitiono^{rs} from any sute thereabouts. Voted by the Deputies.

Ord: about
Peage.

It is ordred, for triall till the next Court, that all passable or payable peage henceforth shalbe intire, without breaches, both the white & the blacke, without deforminge spotts, sutablely strunge in eyght knowne pcells; the peny, 3^d, 12^d, 5^s, in white; the 2^d, 6^d, 2^s 6^d, & ten shillings, in blacke. By both.

Gratuities.

It is ordred, that the servants of Hugh Gunison shalbe allowed from the Treasurer, for their attendance, 20^s.

The like sūme also of twenty shillings is allowed to be payd to the servants of W^m Phillips, for their attendance on o^r honnou^d magistrats.

[Page *163 is blank. Pages *164—*208 inclusive contain records of the Deputies for the year 1656, and will be found in their chronological place in this printed volume.]

[In the handwriting of Mr. Rawson.]

1649.

2 May.

[*209.]

**Att a Gennerall Cowte of Elecōn, held at Boston, the 2^d of the 3 M^o: 1649, where was chosen*

John Endecott, Esq^r, Go^vno^r, who tooke his oath.

Thomas Dudley, Esq^r, Dep^t Go^vno^r, who tooke his oath.

Asistants, & tooke their oathes:—

Richard Bellinghm, Esq^r,

Richard Saltonstall, Esq^r,

Herbert Pellham, Esq^r,

W^m Pinchon, Gen^t,

John Winthrop, Gen^t,

Simon Bradstreete, Gen^t,

Increase Nowell, Gen^t, & Sec^t,

W^m Hibbins, Gen^t,

Thomas Flynt, Gen^t,

Cap^t Robt Bridges.

Thomas Dudley, Esq^r, & } Comission^{rs} for the Vnited Collonyes.
Simon Bradstreet, Gen^t, }

John Endecott, Esq̃, }
 Rich Bellinghm, Esq̃, } Com̃ission^{rs} in reserve.

1649.

2 May.

Edward Gibbons, Esq̃, Major Gennerall.
 Rich Russell, Gent, Treasurer.

Deputyes chosen by the townes to serve the country at this Genñll Courte.

Salem: Cap̃ W^m Hawthorne, M^r Henry Bartholmew.
 Charls Toune: Majo^r Rob^t Sedjuke, M^r Frauncis Willowby.
 Dorchester: M^r John Glouer, M^r Thō Jones.
 Boston: Cap̃ Rob^t Keayne, M^r James Penne.
 Roxbury: Cap̃ Hugh Prichard, M^r W^m Parkes.
 Water Toune: M^r Rich Broune, M^r Ephraim Child.
 Lynne: M^r Thō Layton.
 Cambridge: M^r Edward Jackson, Cap̃ Dañ Gooking.
 Ipswich: Majo^r Dañ Dennison, M^r Rob^t Payn.
 Newbery: M^r Edw: Rawson.
 Weimouth: Left W^m Torrey.
 Hinghim: M^r Nicō Jacob, M^r Jō Beale.
 Concord: Cap̃ Simon Willard.
 Dedham: M^r Anthō Fisher.
 Salisbury: Left Rob^t Pike.
 Hampton: W^m Eastow.
 Rouley: M^r Humphry Reynor.
 Sudbury: Ensiġ Edmō Goodenow.
 Douer:
 Braintree: Cap̃ W^m Ting, M^r Sam: Basse.
 Glocester: M^r Obadiah Bruen.
 Woobourne: Left Edw: Johnson.
 Wennam: M^r W^m Fiske.
 Haul: M^r Rob^t Cleoments.
 Redding: Left Rich Walker.
 Sprinfeild: John Johnson, Surveyo^r Genñll.

Major Daniell Dennison, Speaker for y^s session.

Edward Rawson, Cleriċ for y^s yeere.

James Penn, W^m Parks, Husbands for y^s session.

** On the 3^d May, 1649, entered, & passed 1649.*

3 May.

[*210.]

RECEAVED a petition of John Gidney, of Salem, in reference to a com-
 posiċōn for his impost of wyne, &c.

Entered wth y^s
 Deput^s, & 2^s 6^d
 paid.

In ans^r thereto, Cap̃ Rob^t Keayne, James Penn, & W^m Parkes are
 appointed a com̃ittee, & have power graunted them to compound wth him or
 any other vintner of this jurisdicċōn, and to turne their impost into an

1649.

3 May.

annuall rent for fower yeeres, as they shall thinke meete to agree, so as such vintner doe come in & agree wth them at or before the end of this Courte.

By both.

Receaved a petition of Edney Bayly, of Rowley, wyddow, ffor explana^{co} of this Courts order in answer to hir former petition. Hir desire concurring wth Ezekiell Northin, hir p^sent husband, was graunted, y^t they should have the Courts resolution and explana^{co}n wthout fee. For explana^{co}n of the order of the last Courte, and for a finall determina^{co}n of the case, itt is ordered, that the fforty sixe pounds, given to the child or children of Edney Bayly by W^m Halsteed, remayne in the hands of Ezekiell Northin, husband to the said Edney, till Joseph Bayly, sonne of Richard Bayly, deceased, shall attayne the age of twenty and one yeeres, and then so much thereof to be paid to the said Joseph as the will of the said W^m Halsteed, the doner thereof, doth appoint; and that the said Josephs por^{co}n out of his fathers estate shallbe fforty and one pounds, w^{ch} is two third p^{ts} of the said estate, w^{ch} some of forty and one pounds shall also remayne in the hands of the said Ezekiell Northin till the said Joseph shall attayne the age of fowerteene yeeres; provided, that the said Ezekiell Northin give sufficyent security to the next Courte, to be holden at Ipsuich, for the well educating of the said Joseph Bayly, till he shall attayne the age of twenty and one yeeres, and for the paying of the said legacy and por^{co}n as formerly is exprest.

Edney Bayly &
Ezekiel North-
in is petition,
aust.

[*211.]

M^r Dounings
fine remitted.

*M^r Emannuell Douning his petition for the abating of his fine of ffifty shillings, for his absenting himself from the service of the Courte the last yeere, was accepted of, to be answered wthout fee; and his fine was remitted him according to his desire.

Voted thanks
to Rev. M^r
Cabot.

Itt was voted, that M^r Speaker, in the name of the Howse of Deputyes, should render M^r Cobbett the thankes of the howse for his worthy paines in his sermon, w^{ch}, at the desire of this howse, he preached on the day of elec^{co}n, & declare to him it is their desire he would print it heere or elsuhere.

Itt is ordered, that the agreement made wth W^m Phillips, Hugh Gullison, Rob^t Long, W^m Hudson, & Robert Turner, for the chainge of their impost to an annuall rent, shall be entered amongst the records of the Courte, wth the p^{vi}soes ffollowing, the act of the co^mitte being appved, and they discharged.

Artickles of agreement, indented and made the 11th 10th m^o, 1648, betweene Cap^t Rob^t Keayne & James Penn, Deputyes of the Gennerall Courte, held at Boston, in New England, in behalf of the *the* said Courte

of the one pte, and W^m Phillips, Rob^t Long, Hugh Gullison, W^m Hudson, and Rob^t Turner of the other pte, asfolloweth:—

1649.

Imprimis. The said Rob^t Keayne and James Penn doe, by theis p^{nts}, by virtue of an order made by the Gennerall Courte the 27th of the 8^m last past, sett, and to farme lett, vnto the said W^m Phillips, Rob^t Long, Hugh Guñison, W^m Hudson, and Rob^t Turner, and their assignes, the selling and retailing of all manner of wyne in Boston and Charlestowne, ffor and during the space of five yeeres next ensewing the said 27th of the 8^m last past.

3 May.
Agreement wth
vintners for
their impost.

Itt. Itt is couenanted and agreed betweene all the pties to theise p^{sents}, that the said W^m Phillips, Rob^t Long, Hugh Gullison, *W^m Hudson, and Rob^t Turner, and their assignes, shall not, in selling and retayling the wyne hereafter menõned, take or receave of any pson or psons whatsoever ouer and aboue the prizes following, viz.: for all manner of sackes, muskadells, allegant and tent wyne, the rate and pporcõn of ffifteene pence p quarte, and for all manner of French wines, as white wine and clarrett wine, the rate pporcõn of eight pence p quartt, and so for a greater or lesser quantity pporcõnably of any of the aforesaid wines during the said terme of five yeeres.

[*212.]

Itt. The said Cap^t Rob^t Keayne and James Penn, on the behalfe of the said Gennerall Courte, and wth the consent of the same, doe, by theise p^{sents}, covenant, pmise, and agree to and wth the said W^m Phillips, Rob^t Long, Hugh Gunnison, W^m Hudson, and Rob^t Turner, and euery of them, and their assignes, that no pson or psons inhabiting wthin Boston and Charlestowne aforesaid, shall, from the 27th of y^e 8^m, have any liberty graunted to them by the said Gennerall Courte, or otherwise, to sell any manner of wyne by retaile of any lesse quantity then a quarter caske, acording to a former order of the sd Courte, but only such psons and their assignes as are now licensed, vntill the said terme of five yeeres be expired.

Contract with
wine venders.

In consideraõn whereof, the said W^m Phillips, Rob^t Long, Hugh Gunnison, W^m Hudson, & Rob^t Turner, for themselves and euery of them, and the executo^{rs}, administrato^{rs}, and assignes of them, and eũy of them, doe, by theise p^{nts}, couenant, pmise, and agree to and wth the said Cap^t Rob^t Keayne and James Penn, well and truly to pay, or cawse to be paid, vnto Richard Russell, gen^t, Treasurer of the jurisdicõn of the Massatusetts in New England, or his successors, the so^{me} of one hundred and sixty pounds yearely, in currant pay, in manner and forme following, that is to say, eighty pounds, vpon the 27th of 2^d m next *next ensewing the date hereof, and eighty pounds vpon the 27th of y^e 8^m then next following; and so consequently at the said dayes yeerely, eighty pounds at each day for and during the space of the five yeeres

[*213.]

1649. above menconed. In wittnes whereof, the pties aforesaid to theise p^{rs} have
 3 May. interchangeably sett to their hands and scales the day and yeere first above
 written.

Sealed and deliud in the psense of
 John Dand,
 Fran^c Norton,
 David Yale.

W^m PHILLIPS,
 RO^{BT} LONG,
 HUGH GUNNISON,
 W^m HUDSON,
 RO^B TURNER.

1. That the lessees shall not drawe wine in any howses but where the lessees doe or shall dwell in the same toune.

2. If they sett any assignes in those howses wthout the appbacon of the Gennerall Courte, it shallbe invalid.

3. That it be expssed what the hundred and sixty pounds p annu shall be paid in; otheruise they may pay it in comodities of w^{ch} no vse cann be made but by transporting of them, and waiting for retournes wth adventure.

Itt is ordered, that the bond of Major Rob^t Sedjuke, Rich Russell, Frauncis Norton, and David Yale, for the payment of the annuall rent w^{ch} they agreed wth the last Gennerall Courte to pay, as therein more amply appeares, should be recorded amongst the records of this Courte.

Agreement wth
 Major Sedjuke
 & Mr Russell
 for the impost
 of wine: 160^u
 p ann.

Whereas the Gennerall Courte have sett, and to farme lett, by their order bearing date the 27th of y^r 8 m last past, the customes of all sorts of wyne imported into their jurisdiction, wth all the pffitts and emolluments therevnto belonging, together wth all their power and authority for the pcuring and re- ceaving of the same from all manner of psons w^{ts}oeuer, according to orders of Courte made for that purpose vnto Major Rob^t Sedjuke and Mr Richard Russell, for the full terme of fower yeeres from the 27th of the 8 m last past; in consideracon whereof, wee, the said Major Rob^t Sedjuke, Richard Russell, Frauncis Norton, of Charlestowne, marchants, & David Yale, of Boston, marchant, doe, by theise p^{rs}, bind ourselves, and euery of vs, in the *in the some of two hundred and forty pounds starling, to pay vnto the country or Gennerall Courte, or to whom they shall appointe for the said terme of fower yeeres; after the 27th of the 8 m, the some of one hundred and twenty pounds yearly, in currant pay of New England, in manner and forme following: that is to say, sixty pounds vpon the 27th of the 2 m next ensewing the date heerof, and sixty pounds vpon the 27 of the 8 m then next following, and so to continew vpon the said dayes yearly, sixty pounds vpon each day vntill the

[*214.]

said fower yeeres be expired. In wittnes whereof, wee have herevnto sett our hands and seales, 11th 10 m̄, 1648.

1649.

3 May.

Sealed in the p̄sence of
John Dand,
Rob^t Keayne,
James Penn,
Rob^t Long.

ROBT: SEDJUKE,
RICH: RUSSELL,
FRANC: NORTON,
DAVID YALE.

Whereas, vpon examination it appeares vnto this Courte that it is necessary that there should be some addition made to our stocke of powder and other am̄unition, to secure ourselves against an enemy, and therevpon have taken care that a supply maybe made, wee thinke it is meete and convenient that the rest of the collonyes wth whom wee are in confederation, and from whom wee should expect assistance, in case occaḡon call vs therevnto, (according to artickles of agreement,) should also be p̄vided acording to their p̄porḡons. This Courte doth therefore desire our honno^red coḡmission^{rs} would be pleased to take it into their serious consideraḡon, and acordingly to p̄secute the same at the next meeting of the coḡmission^{rs}, that so the rest of the collonies may be p̄vided for as wee are & expect to be.

Y^e Genn^{all}
Courts care y^t
y^e collonyes be
dewly &
æqually p̄vided
wth powder.

The answer of the Court concerning Springfield.

Wee thinke it meete that our coḡmission^{rs}, at their next meeting, be mindfull to presse what arguments and reasons they cann for the reversion of the last order of the coḡmission^{rs} concerning Springfield, and amongst other, these in speciall.

*1. That the coḡmission^{rs} of Coḡnecticut p̄duced no pattent, or exemplification thereof, or any order of their oune Courte for their custome they require of Springfield.

[*215.]

2. They had no evidence of any forte at all in being at the rivers mouth, as wee are informed.

3. By a clawse in the coḡmission^{rs} order, July, 1647, when they first determined against Springfield, page 111, they provided that the said imposition should be continewed no longer then the forte in quaḡtion was maintained, and the passagē thereby secured as at that p̄sent; yett after the said forte was demolished by fire, and no security of the passage provided, the coḡmission^{rs} confirmed their former order at the last meeting.

Observations
on utility of a
fort at Sea-
brooke.

Whereas the coḡmission^{rs} for the Vnited Collonyes have thought it but

1649.

3 May.

just & æquall that Springfeild, a member of this jurisdiction, should pay custome, or contribution, to the erecting and maintaining of Seabrooke forte, being of no force against an enemy of any considerable strength, (before it was burnt,) in the comission^{rs} oune judgment, exprest in their oune order, page 109, w^{ch} determinacō against Springfeild they have also continewd by an order at their last meeting at Plimmouth, (though the said fort was then demolished by fire, and the passage not secured,) contrary to a clawse in their order pvided on Springfeilds behalfe, pag 111; and forasmuch as this jurisdiction hath expended many thowsand pounds in erecting and maintaining seuerall forts, w^{ch} others (aswell as ourselves) have receaved the bennefitt of, and have at p^sent one principall forte, or castle, of good force against an enemy of considerable strength, well garrisoned and otheruise furnished wth sufficyent amūnition, besids seuerall other forts and batteries, whereby vessells and goods of all sorts are secured, —

Itt is therefore ordered by this Courte and the authority thereof, that all goods belonging, or any way aptaining to, any inhabitant of the jurisdictions of Plimouth, Coñecticott, or New Haven, that shallbe imported wthin the castle, or exported *from any pte of the Bay, shall pay such custome as hereafter is expressed, viz.: all skinns of beave^r, otter, mouse, or beare, two

Duty to be paid
on furs & skins,
meal & corn.

pence p skinn; and all other goods packt vp in hogsheds or otheruise, tenn shillings p tunne; meale & corne of all sorts, two pence per bushell; biskett, sixe pence p hundred: and it is further ordered, that all such skins and other goods as shallbe imported or exported, as aforesaid, shallbe dewly entered wth the auditor genn^t, and the custome thereof paid or deposited, before any pte of the said goods be either sould, shipt, landed, or otherwise disposed of, vnder the penalty of forfeiting the said goods not so entered, or the dew valew thereof.

Order about
custom for any
goods imported
or exported
from or to the
United Colo-
nyes.

And if any inhabitant of this jurisdiction, or strainger, shall buy any of the fore mentioned goods belonging, or any wayes aptaining, to any of the inhabitants of Plimouth, Coñecticott, or New Haven, aforesaid, imported to any other parte of our jurisdiction, or shall sell or deliuer to any such inhabitant any other goods in any pte of the Bay, wthout the Bay, wthout the castle, he shall enter the said goods wth the auditor gennerall, and pay or deposite for the same, after the same manner and pportion, and vnder the same pœnalty, as is pvided for goods, &c, brought wthin the castle. This order to take place the first day of the next month.

And the auditor gennerall is here by appointed and authorized to take care for the execution of this order in all the p^ticulers thereof, either by himself or by his deputy or deputies.

Cap^t Keayne, Cap^t Ting, & Cap^t Hauthorne are appointed a com^{it}tee to joyne wth some of our honno^red magis^{ts} to consider how to raise & p^{ro}cure a magazine of corne.

1649.

3 May.
Voted.

*Forasmuch as the lawe of God, Exod: 20: 13, allowes no man to touch the life or limme of any p^{er}son except in a judicyall way, bee it hereby ordered and decreed, that no p^{er}son or p^{er}sons whatsoever that are imployed about the bodyes of men, woemen, and children for p^{er}servation of life or health, as phisitians, chirurgians, midwives, or others, shall p^{re}sume to exercise or putt forth any act contrary to the knowne rules of arte, nor exercise any force, violence, or cruelty vpon or towards the bodyes of any, whether young or old, — no, not in the most difficult and desperate cases, — wthout the advice and consent of such as are skilfull in the same arte, if such may be had, or at least of the wisest and gravest then p^{re}sent, and consent of the patient or patients, (if they be mentis compotes,) much lesse contrary to such advice and consent, vpon such punishment as the nature of the fact may deserve; wth lawe is not intended to discourage any from a lawfull vse of their skill, but rather to encourage and direct them in the right vse thereof, and to inhibit and restrayne the p^{re}sumptuous arrogance of such as through p^{re}sumptuousness of their owne skill, or any other sinister respects, dare be bould to attempt to exercise any violence vpon or towards the bodies of young or old, to the p^{re}judice or hazard of the life or limme of men, woemen, or children.

[*217.]

Contradicentes
to this order:
Edward Raw-
son, Ephraim
Child, Rob^t
Keayne, Simon
Willard, Rob^t
Cleoments,
James Penn,
Rich: Broune.
Order for mid-
wives & chirur-
gians.

On y^e 4th May, 1649, entered & passed.

Att the request of M^r Samuell Mavericke ffor a review of his cawse, By both. whereby he might either cleere himself or be satisfyed in the evidence for-
mally p^{ro}duced against him, his desire was graunted, and the 9th of this instant May appointed for hearing him.

Receaved a petition from Newbery ffor the confirmation of Plum Iland to them. Voted, y^e y^e iland be divided into 5 p^{ar}tes; 2 p^{ar}ts to belong to Ipswich, 2 p^{ar}ts to belong to Newbe^{ry}, & one p^{ar}te to Rowley.

Entr^d wth y^e
Deput^s, & 10^s
paid.

Receaved a petition from Marblehead requesting the power and privilege of a touneshipp to be graunted to them.

Entr^d wth y^e
Deput^s, & 10^s
paid.

On the petition of Richard Walderne, his excuse for his absenting himself from the service of the howse for this session, being very sicke, was judged sufficyent, & he dischargd.

*Voted, that peage shall still remayne passable from man to man, acord-
ing to the lawe in force.

[*218.]

Rec^d a petition from the inhabitants of Hull, for the encouraging M^r Mathewes to goe to them & preach amongst them.

Entered wth y^e
Deput^s, & 2^s 6^d
paid.

1649.

4 May.

Recd a petition from Jonathan Wade, who, for 60^l formerly disbursed by Thō Wade, of Northampton, for his vse into the country stocke, for the furtherance of this plantacon, desired land in Plum Iland for it; w^{ch} was denyed by both.

M^r Tilley's fine
abated to 40^s.
By both.

Recd a petition from W^m Tilley, for the abatement of a fine of fflower pounds, the answer whereof was, that wth the 10^s for fees for the peticon, all y^e fine should be abated to fforty shillings.

Entered wth y^e
Depu^{ts}, & 2^d 6^d
paid.
By both.

Receaved a petition from seuerall inhabitants of Salem, ffor the exchange of a highway and landing place from the heade of the Basse River to a place called Drap^rs Point. Their request therein was graunted.

John Bourne's
fine abated to
40^s.
By both.

In answer to the petition of John Bourne, of Salem, for abatment or remittment of his fine of five pounds, for selling strong waters w^{thout} licence, on his ingenuous acknowledgement of his offence and hartly sorrowe exprest for it, his fine was abated to forty shillings, so as he pay it wthin sixe weekes from this day.

Cap^t Gooking & Cap^t Prichard appointed a comittee to drawe vp a lawe for woemens dowryes, & p^sent it to the howse.

A letter from Springfield to John Johnson, surveyo^r gen^{ll}, referred to the consideracon of the comittee, Cap^t Ting, Cap^t Kcayne, Cap^t Hawthorne, M^r Bradstreete, being about a bridge, rates, & imposts or custome, to Coⁿnecticott.

Springfield
rates to be
abated.

In answer whereto, itt is ordered, that the toune of Springfield shall be exempted from ordinary country rates ffor the space of sixe yeeres, paying to the Treasurer for the time being ffifteene pounds yeerely; and that tenn pounds shall be allowed them out of their first yeeres payment towards the building of the bridges menconed in y^t petition.

[*219.]

Troop^s 5^s, pay-
able in their
oune townes.

*Whereas this Courte hath, for the encouragement of troop^s, ordered, that their psons and horses should be exempted from country rates, and also that five shillings should be paid them yeerely out of the treasury, and because it is found burdensome and difficult for such troop^s as live remote to gett bills signed by the audito^r, and payment of the Treasurer, of the said yeerely encouragement, itt is therefore ordered, that it shallbe lawfull for eūy trooper to discoumpt yeerely the said five shillings out of his country rate to the counstable of the toune where he lives; provided, he p^duces a noate, vnder the hand of the cheife comaunder of the troope, that he is furnished, acording to order, wth horse & armes; and the Treasurer shall discompt of the said counstables rates w^tsoeuer he shall pay acording to this order.

Entered wth ye
Depu^{ts}, & 10^s
paid.

Recd a petition from the inhabitants of Charles Toune, for the Courts explanacon of their former graunt to M^r Mayhew, as then agent to M^{rs}

Cradocke, and restrayning the liberty that farme taks wth their catle to tres- 1649.
passe on Charles Toune co^mons.

In answer to which peti^con, the Court being satisfied wth the evidence of Lef^t Sprauge & Thō Lyne, then de^{pu}^{ts} of the Courte, that the co^mon graunted then to Misticke Farme, by order of Courte, was meere^{ly} for p^{re}vention of their trespassing on Charles Toune bounds, thinks meete to allow the said farme co^mon for ffifteene head of catle on the backside of Misticke Farme, so long as the said land of Charles Toune, lying on the backside of Misticke Farme, lye in co^mon, & no longer.

In answer to the petition of W^m Broune, ffor two hundred ac^{rs} dew for twenty five pounds putt into the joynct stocke by M^{rs} Ann Harvey, his aunt, from whom he made it appeare to the Court he had sufficyent deputa^con to require it, his request was graunted; viz., 200 ac^{rs} of land to be layd out to him wthout the west lyne of Sudbury, by Cap^t Simon Willard & Seargeant Wheeler.

M^r Nowell, Cap^t Keayne, & Cap^t Ting are appointed a co^mitte^e to take the Treasurers accompt, as also the auditor gennēlls accompt betweene this and the next session of this Courte, making their retourne thereto.

On y^e 5th May, 1649.

John Beale, at his request, was dismist from attending the service of the house till the 6th day of the next weeke.

Cap^t Willard dismist till 2^d day next.

Lef^t Walker dismist till 2^d day next.

*Receaved a peti^con from George Carr, ffor the setling the fferry at Salisbury wholly on himselfe.

In answer thereto, the Courte conceaves it meete, and graunts that the petitioner, Geor^g Carr, shall have the vse of Ramm Iland so long as he doth or shall dilligently attend & serve the country in keeping of the ferry betweene Salisbury and Newbery, and liberty is graunted him, as occa^con shall p^{re}sent, to fetch any passengers from Newbery side, and M^r Coffyn hath liberty to fetch any passengers from Salsbury side, as occa^con shallbe, that so the country may be surely served.

Receaved a peti^con from M^{rs} Elizabeth Cole, wyddow, w^{ch} was admitted to be read in forma pauperis: the answere thereof was, that although Elizabeth Cole have binn often answered by former Courts, and that course hath binn taken to make hir cancelled deed valid, yett in regard it was long after hir brother was gonne from hence, and also much disabled to give hir satisfac^con had he binn heere, the Courte thinks meete to declare, that if shee hath

4 May.

Answer to
Charles Toune
petition.

Answer to W^m
Brounes
petition.

Co^mitte^e to
take y^e Trs^{rs}
accompt.

5 May

[*220.]

Entred wth y^e
Deputies, & 10⁺
engaged for.

Ansr to George
Carrs petition
on ferry be-
tween Newbu-
ry and Salis-
bury.

Ansr to M^{rs}
Coles petition.

1649. receaved any damage, the Courte is innocent, time being given hir to make hir just plea at the time when it was cancelled.

5 May.

Lef^t W^m Torrey, at his request, was dismiss till the 2^d day next, at one of the clocke.

6 May, 1649.

6 May.
Queries on military duty.

Seuerall questions, ppounded by the major gennerall, touching his office, to this Court.

1. First, whether it be a transgression of order to spend 1, 2, or 3 of these dayes menconed in the comission, in fortification, and to discipline their men that way.

Ans. The Courte conceaves the 8 dayes exercise is to be spent in the exercise of armes, w^{ch} dayes are few enough for that purpose, so many being taken of for gennerall traynings, but leave it to the wisdom of the major gennerall to improove his company 1 or 2 dayes about fortification in Boston only.

2. Who is the counsell I must repaire to for power to issew out warrants for the calling of two regiments together?

Ans. The counsell of the comon wealth.

3. What shallbe accompted sufficyent publishing the lawes made in time of warr.

Ans. In the head of the army then gathered together in the feild.

[*221.]

*4. Whether these may not be for explanacon incerted into the comission for the major gennerall.

Ans. The Courte judgeth it not necessary.

Majo^r Rob^t Sedjuke, for his absenting himself from the service of this howse this session, was fined five pounds.

7th May, 1649.

7 May.
Entred wth y^e
Deputys, & 5^s
payd. Rest re-
mitted.
Ans^r to Tho
Gayn^rs peti-
tion.
By both.

The Courte was called, and all p^sent excepting Majo^r Sedjuke.

Rec^d a petition from Tho^s Gayner about the manner of disposall of the goods of the shipp Plainter.

The answer thereof was, that the Courte judged it meete that there shouldbe a copy of the records truly transcribed, and (the petitioner paying the officer for it) be deliuered him, and that the goods not inventoried shall, vpon dew prooffe, be deliuered him; & Cap^t Keayne & Cap^t Ting are appointed to examine the records transcribed.

Entered wth y^e
Dep^s, & 10^s p
W^m Phillips
engaged for.

Receaved a petition from Henry Walton conce^ring some powder of his seized on as forfeited.

The answer thereto was, that, he having bound himself to p^secute the

law at the next Quarter Courte, the Court judgeth it not meete to take y^e 1649.
cawse out of the Quarter Court, where he may have justice.

Itt was vnanimously agreed, & voted, that two hundred pounds should be
given to the infant of our late honored Goũno^r, John Winthrop, Esq^r, out of 7 May.
the next country levy. Gov^r son, grant to, £200.

Cap^t Ting & Cap^t Prichard are appointed a comitee to drawe vp an order M^r Bellingh^m,
about the 200^{li} guift, that it may be putt in a secure way for the childs vse, M^r Nowell,
making report to the howse of what they shall doe. comitee.

Cap^t Prichard & Lef^t Johnson are appointed a comitee to drawe vp an
order about the counstables power where no magis^t is to impower them to ex-
ecute the lawe on drunkards & such as drinke excessively.

Voted, that the Howse of Depu^{tes} should be dissolved into a comitee, or
comittees, for the answering of petitions on y^e morrow, at one of the clocke.

Cap^t Keayne & James Penn, Cap^t Hauthorne & M^r Bartholmew, M^r
Willowby and Cap^t Willard, & Lef^t Pike are appointed a comitee to consider
of a way & drawe vp a lawe ffor dividing y^e shieres, & treasury in each shier,
bringing all Courts to an æquality for power & noumber, y^t what maybe y^e
country be eased, & the piudice of the negative vote pvented.

*On a 2^d motion of M^r Carr, the Courte judgeth it meete that the fferry [*222.]
remaynes as now it is till the next Courte at Salisbury, against w^{ch} time expe- 2d answer to
rience & sufficyent reasons may so appeare to the next Salisbury Courte as Georg Carrs
whereby they may judge and determine of the setling and disposing thereof, ry. petition on fer-
either to one, the whole, or to both, as it is, or they shall judge may best tend
to the ease of the country, to whom this Courte conferrs power to determine
and order accordingly.

In answer to the petitions of Edward Bendall: To the 1 about the Indian So judg'd to be
squaw, he is referred to the comission^{rs} of the Vnited Collonyes at their next paid for.
meting.

To the 2^d, for a pattent for impvng his pject to dive in a tubb, the Court
thinks not meete to graunt it.

For the 3, a remedy against stealing wharfage, the Court judgeth that the
law hath sufficiently pvided in such cases.

8 May, 1649.

In answer to a petitionary letter of Randall Holden to come in pson into 8 May.
this iurisdicōn to act his oune necessary affaires, &c.

The Courte, in pvsing his letter, sees no reason nor argument to moove
the Courte to take of their just censure formerly inflicted on him; nor doe
they see any pjudice that may acrew to him, he being at liberty to impve any

1649. attorney for himself, who may expect all dew justice amongst vs, as any of our
 oune jurisdicōn.

8 May.
 Left Torrey his
 recompence.

Whereas Lef^t Torrey was, the last session of the Gennerall Courte, im-
 ployed as clarke to the Howse of Depu^{ts}, to frame their bills and transcribe
 the orders of Courte that past the last yere fairely into their booke of records,
 w^{ch} he hath donne, the Courte judgeth it meete to allowe him fflower pounds
 out of the next country levy, w^{ch} comes from the toune of Weimouth, as a
 recompence for his paines.

Weymouth &
 Dorchester
 high way.

The retourne of Thō Holbrooke, Henry Kingman, & Nathaniell Addams,
 of Weimouth, & Stephen Kingly & Samuell Basse, of Braintree, as comītee
 appointed by order of the Gennerall Courte ffor the laying out of the country
 highway betwene Weimouth & Dorchester, w^{ch} the Courte appved of & con-
 firmed to be recorded acording to their agreement in the Court records.

[*223.]
 Y^e way from
 Weimouth to
 Dorchester.

*Itt is ordered, that the country high way from Weimouth to Dorchester
 shall lye the p^sent wonted high way from Weimouth to Braintree meeting
 howse, fower rods wide; and whereas at the said meeting howse the said way
 cannot conveniently be had at one end thereof, that therefore the said way
 to runne there two rods at one end and two rods at the other end thereof, and
 then to fall to fower rods againe, at a marked stumpe a litle beyond the said
 meeting howse, and so that breadth to a stumpe of a tree nere Henry Neales
 howse, and thence to be carryed the said breadth to the lott called Hudsons
 lott, rectifying the way w^{ch} now is, by taking it of through seuerall nookes, as
 it is markt, and through the said Hudsons lott the same breadth to the hill,
 going doune towards the brooke, and thence till tenn poles beyond the brooke,
 six rods wyde, and then to lye fflower rods wyde vnto Dorchester bounds, as it
 is markt by seuerall markes for that purpose.

9 May, 1649.

9 May.
 Entred wth y^e
 Depu^{ts}, & 2^d 6^d
 eng^d.

Receaved a petition from John Palmer, of Rowley, for the Courts con-
 firmaōn of a sale of certaine lands sould to him by Rich Du^mier, w^{ch} belonged
 to M^r Nelson. In answe^re thereto; the Courte judgeth it meet that first, and
 before any p^{ro}ceedings be had herein, M^r Du^mier make it appeare that he had
 full & legall authority to make such sale.

Att the request of M^r W^m Pinchon, y^e Depu^{ts} consented wth the Magis^{ts}
 for his dismission from the *the* further attending on the services of this Courte.

Voted.

In answer to the petiōn of the inhabitants of Hull, concerning M^r
 Mathewes, the 15th day of this instant was appointed for a publicke hearing
 of the case, w^{ch} was attended in the meeting howse. The Depu^{ts}, considering
 of what they had heard in the case, voted, 1. That they would not enquier

into the matters of chardge or answers, as respecting error conce^r M^r Mathews. 1649.

2. Notwthstanding this vote, the house, by vote, judged it meete to consider whether M^r Mathewes, in respect of inconvenient and weake exp^ssions, was not worthy of some censure.

9 May.
Voted.

3. The whole Courte agreed by vote, that M^r Mathewes should not re-tourne to Hull, nor reside wth them.

*Voted, That wee will pceed no further at p^sent wth M^r Mathewes then [*224.] to an admoni^con.

The Courte, for seuerall considera^cons, judge it not meete at p^sent to di-late all the p^ticuler chardges and ans^{rs} of M^r Mathewes, yett, notwthstanding, doe declare that they finde seuerall erroneous exp^ssions, others weake, inconvenient, and vnsafe exp^ssions, for which they judge it meete to order, that the said M^r Mathewes should be admonished by the Gofino^r in the name of the Courte.

M^r Mathewes
censure.

Receaved a peti^con of Joshua Fisher, of Dedham, desiring to be ffreed from y^e custom on wyne.

In answer thereto, he was referred to the co^mittee ffor composi^cons, y^t so he might have a full answer.

M^r Joseph Hill, Left Sprauge, Th^o Lyne, & Frauncis Smith, as a co^mittee, bringing in their retourne of a high way laid out by them from Redding to Winisemett, information was given that this was lesse behoofefull to y^e country then the form^r; wherevpon the Courte, considering y^t it is and willbe of great concernement to the publicke that the best high wayes be layd out from toune to toune for publicke vse, w^{ch} concernes posterity aswell as ourselves, and that no private interest should hinder it, have ordered, that M^r Cleoments, John Osgood, and Frauncis Smith, as a co^mittee, shall have power to lay out the most convenient way for a country roade betweene Redding and Winnisemett.

Order for a way
fro Redding to
Winisemet.

In answer to the petition of the inhabitants of Sudbury for the enlarge-ment of their bounds westwards, their request is graunted, and two miles is graunted to them westward to their line, so as it p^riudice not the right of W^m Broune in his 200 ac^{rs} graunted to him.

2 miles aded
to Sudburys
bounds.

Receaved a peti^con from Nathaniell Boulter & Rich Swayne ffor the re-mittment of his fine for non appearance. The Courte, considering it hath not binn vsuall to take forfeitures in such kind for non appearaunce in time, or not so furnished as the law requires in such case, w^{ch} the petitioner was ignorant of, have graunted his request, & remitted his fine.

Entred wth y^e
Deput^s, & 10^s
paid.

*In answer to the petition of Solomon Francho, the Jew, who requested [*225.]

1649.

9 May.
In forma pau-
peris.
Guift to Solo-
mon Franco y^e
Jew.

ffactorage or salarie out of y^e cargo of Imanuell Perada, consigned to the major genñll, Edward Gibbons, Esq^r, being by him intrusted and imployed therein; on veiwing & hearing what he could say, the Courte could not find any cleere ground vpō w^{ch} factorage should be dew or allowed him by y^e major genñll out of the estate of the principles, no estate of Emanuell Peradas being ex- tant; but the Court doth allow the said Solomon Franco sixe shillings p weeke out of the treasury for tenn weekes, for his subsistance, till he cann gett his passage into Holland, so as he doe it w^{thin} that time.

10 May, 1649.

10 May.
Entr'd wth y^e
Deput^s, & 10^s
paid.
Salisbury.

Receaved a petition from the inhabitants of the new toune at Salisbury, ffor exemption from rates to the ministry at the old toune, that so they may be enabled to encourage one to bestow his labors in a ministeriall way amongst them.

Voted, that the petiçōners should be free from rates to the ministry at the old toune, vnlesse the old toune contribute pportionally to their estates to the maintenance of a preacher to them, when & whiles they have one.

The Magis^{ts} dissented from this vote, & referred the consideraçōn of this petiçōn to the next session of this Courte.

400 ac^{res} of land
gr^{id} to Jona
Wade.

In answer to the petition of Jonathan Wade ffor land, as his form^r pe- tition desired on the same termes, fflower hundred ac^{res} of land is graunted to him where he shall find it vndisposed of, & and so as the land found by him be not judged by this Courte pjudicyall to any toune or plantaçōn already made, or to be made.

Entred wth y^e
Deput^s, & 10^s
paid.
Tho Moulton
referd to y^e
Q^{rt} Court.

Receaved a petition from Thomas Moulton, ffor the remitting his fine of five pounds imposed on him by the last Quarter Courte; ffor answer whereto, he was referred to the next Quarter Courte, & the rather beç there are other petitions addressed only to the Magis^{ts}, wth w^{ch} this have necessary dependance one of another.

In answer to a case ppounded for the exposiçōn of a doubtful clawse in one of the printed orders ffor absenting, &c, on y^e Lords day, —

Quæst. Whether where the law saith that, after dew meanes of convic- tion vsed, he shall forfeite for cūy offence 5^s, be to be vnderstood legall con- viction or otheruise.

Voted, That it is to be vnderstood legall conviction.

The Courte doth order, that the surveyor genñll shallbe allowed, out of the next country rate, tenn pounds, as a recompence for his fower yeeres service.

[*226.]

*In answer to the petition of the toune of Newbery, ffor the confirmaçōn

of their military officers, they having not observed the Courts order in the elec^{ti}on of their officers, the Court cannot allowe of their choyce, but graunt the petitioners liberty to proceed to a new elec^{ti}on, according to order of Courte, and to p^{re}sent the names of those whom they shall so elect to the County Courte, at Salem or Ipswich, to be confirmed.

1649.

10 May.

Ans^r to New-
be^ry petition
about military
office's.

In ans^r to the petition of Cap^t Th^o Wiggin & Edward Rawson, the Courte judgeth it meete their accompt be accepted, and they discharged; and that M^r Rawson be allowed out of the estate of the said Walderne, for his paines in & about the matter of this petition, fforty shillings, and Cap^t Wyggin thirty shillings; & that the estate of the said W^m Walderne, consisting of lands, howses, & catle, are hereby appointed to be & remayne in the hands of Hate Evill Nutter & John Hall, of Dover, to dispose of as they judge may best tend to the impvment of the estate, & to be ready to be accomptable when the Courte shall thinke meete to call for it, ffor y^e satisfac^{ti}on of the creditors.

Cap^t Wiggin
& M^r Rawson
allowance for
comission
chardging
about W^m
Walderns
estate.

Att the request of the toune of Braintree, Cap^t W^m Ting, Sam^l Basse, & Stephen Kingsly are appointed to end smale cawses there ffor this yeere, according to lave.

Forasmuch as our late honnored Go^vnr, John Winthrop, Esq^r, vpon his death bed did exp^{re}sse his tender desires towards his wife and youngest child, that if the country did thinke meete to bestowe any thing on him for his service donne, that it should be to the said child, and remayne in the hands of his wife, for its educa^{ti}on, and the stocke p^{re}served intire for the childs vse, and forasmuch as the Courte hath not p^{ro}vided for the disposing of the estate in case the child should dye, the Courte conceaving it just, and accordingly orders, y^t in case the infant dyes before it attayne the age of twenty & one yceres, the one third p^{or}te should acrew to the wyddow of our late honnored Go^vnr, and the other two third parts, one third to M^r Deane Winthrop, & the other to M^r Samu^{el} Winthrop, they, as yett, having had no portions out of the Go^vnr's estate, nor like to have.

Disposall of y^e
200^{li} guift in
case Joshua
Winthrop dye
before he come
to 21 yceres.

In answer to the petition of Elizabeth Fairefeeld, liberty is graunted for hir husband, himself, & their children to depart out of this jurisdic^{ti}on vnto such other parts of the world as it shall please God to dispose; provided, that hir husband shallbe vnder his former censure if he retourne hither againe.

E. Fairfield
has leave with
her husband to
leave the col-
ony.

*In answer to the petition of Charles Saunders, ffor men to be appointed to apprise the tackling and other goods in & belonging to his shipp, that was blowne vp, that so a certificate maybe made to give satisfac^{ti}on to his ounors, in England or elsewhere, his request was graunted; and Mathew Chase & Arthur Gill are appointed for that service.

[*227.]
C. Saunders.

1649.

10 May.

In answer to the letter of John Smith, who writes himself gen^{ll} assistant for the toune of Waruicke, excusing themselves of any wrong donne by them to the Indians; there being no accusac^ōns p^{ro}ved against the inhabitants of Warwicke, the Courte finds they have nothing to chardge them wth, and if any thing afterwards appeares, the Court will referr it to the co^mmission^{rs}, at their meeting in y^e 7 m.

11th May, 1649.

11 May.

Cap^t W^m Hawthorne & Mr Emanuell Douning are appointed Associats for the County Courte at Salem for the yeere ensewing.

Co^mittee about
pouder.

Cap^t Rob^t Bridges, Cap^t Rob^t Keayne, & Cap^t W^m Ting are appointed as a close co^mittee to consider wth the surveyo^r gennerall what the store of pouders is, and what neede of repaire, making reporte to the Courte what is meete to be donne in renewing the countryes store.

Misticke
named Maul-
den.
Malden.

In answer to the peti^ōn of se^ull inhabitants of Misticke side, their request is graunted, viz., to be a distinct toune of themselves, & the name thereof to be Maulden.

Mr Hills gratu-
ity.

Mr Joseph Hill is graunted, as a gratuity, tenn pounds, to be paid him out of the treasury, for his paines about the printed lawes.

Allowance of a
barrell of pou-
der to y^e Gou-
nors funerall.

Whereas the surveyo^r gennerall, on some encouragements, lent one barrell & a halfe of the countryes store of pouder to the millitary officers of Boston, conditionally, if the Gennerall Courte did not allowe it to them as a guift, to spend at the funerall of our late honored Gouⁿor, they should repay it. The pouder being spent on y^e occa^ōn abovesaid, the Courte thinkes meete that the pouder so deliuered should neuer be required againe, & thankfully acknouledge Bostons great worthy dew love & respects to the late honored Gouⁿor w^{ch} they manifested in solemnizing his funerall, whom wee accompted worthy of all honor.

Entered wth y^e
Deput^{ys}, & 5^s
paid.

In answer to the peti^ōn of Mr Thomas Gainer, the Courte thinkes it meete to graunt that he shall have a copy of the records truely transcribed, he paing the officer for it, and that the goods not inventoried may, vpon dew pffe, be deliuered him; & Cap^t Keayn & Cap^t Ting are appointed to examine the records transcribed.

[*228.]

**12 May, 1649.*

12 May.
Military
watch.

There being many shippes in the harbor, and diuerse of them strangers, the Court judgeth meete to order, that a millitary watch be forthwith appointed in Boston & Charles Towne, to continew till any fower magis^{ts} shall see cawse to alter it

Whereas the surveyor gennerall, on y^e encouragement of an order of the Quarter Court, deliuered a barrell of powder to Major Robt Sedjue, & another to Major Edward Gibbons, conditionally, that if the gennerall did not allow thereof, they should or would pay the worth thereof, or two such barrells of good powder to him againe, the Courte being acquainted heereuth, considering the countryes smales store of powder, saw no reason to approove thereof, but ordered, that the surveyor gennerall should call on the said gent^l for the repaying thereof, according to their pmise.

1649.

12 May.
Powder borrowed.
2 barrells of powder to be called for from Major Gibbons & Sedjue.

13 May, 1649.

On a mo^oon of the surveyor gennerall, that the barrell of powder in the yeere 1640 or 1641 deliuered to Edward Rawson for the toune of Newbery, being impved p^tly to seuerall psons, imployed on the publicke service of the country about the Indian designes, by virtue of warrants from the councell and orders of this Courte, & the rest sould and wasted, might be determined by this Courte to be satisfied for, the Courte judges it meete that Edward Rawson should only satisfy the surveyor gen^l five pounds for the barrell, & the towne of Newbery & himself is heereby dischargd therefrom.

13 May.

Edward Rawson & Newbery is dischargd for a barrll of powder.

The Courte, howeuer it hath binn & is loath to discourage such as are in authority in the seuerall regiments, as major^s, who are the p^rinciple officers in that respect, & rather for p^rsent choose to allow the major gen^l and Major Sedjue the two barrells of powder w^{ch} at their last meeting was deliuered to them, & lent only then to require it of them againe, yett judgeth it meete to declare that it is not safe, nor will they henceforth countenance any psons whatsoever to lend to any pson ought of the countryes store that an order of this Gennerall Courte doth not app^rve of or require.

2 barrells of powder remitted to y^e 2 majors.

*14 May, 1649.

[*229.]

Seuerall ans^{rs} to seu^l quæries ppounded by the co^mission^{rs} to y^e Gen^l Courte.

14 May.

1. In answer to the first pposi^on, What should be donne in case sixe of the commission^{rs} of the Vnited Collonyes agree not whethe^r the matter should be determined by three Gennerall Courts or by foure.

Ans^r. To this wee answer, that this Courte will consider farther of this pposi^on.

2. In answer to the 2^d pposi^on, about the Dutch laying imposi^on vpon marchants.

Ans. To this wee answer, the Dutch go^un^r, as wee are informed, hath

1649.

14 May.

Ans^r to y^e
Com^{is}sion^{rs}
quæries.

taken of all imposi^{ti}on layd vpon marchants there, w^{ch}, if he shall continew, wee conceave there needs no p^{ro}vi^{si}on for our oune indempnitie.

3. In answer to the 3^d p^{ro}posi^{ti}on, that the Massatusetts & Conecticut should agree vpon some æquall way for the ruⁿⁱng of the Massatusetts lyne.

Ans. Itt appeares in the booke of the ac^{ts} of y^e com^{is}sion^{rs}, ffol: 1^a y^t M^r Fenwicke should joyne wth vs in ruⁿⁱng that south line to decide the quæstⁱ about Woronoco, &c; but M^r Fenwicke failed to send in any to joyne wth vs; wherevpon wee did it at our oune chardge; and Woronoco was therevpon ordered by the com^{is}sion^{rs} to the Massatusetts; but we shall be ready to joyne wth our bretheren of Conecticott in a new survey so as they will be at the whole chardge in this, as wee were in the other, and shall p^{ro}duce their patent as wee have donne.

4. In answer to the ques^t about the p^{ro}bate of wills & graunting of letter^s of administra^{ti}on.

Ans. Wee agree & fully assent to the desire of the com^{is}sion^{rs}, p^{ro}vided that the seuerall Gennerall Courts of the rest of the collonies consent therevnto, and make orders accordingly.

5. To the fifth p^{ro}posi^{ti}on, of allowing two gunnes vnto two Indians, wth two pounds of pouder and sixe pounds of shott.

Ans^r. The Courte, confiding vpon Mr. Elliots good assurance of the ffaithfullnes of those Indians, doe graunt it, wth those limitations p^{ro}pounded by the com^{is}sion^{rs}.

Itt is ordered, that the executioner Thomas Bell shall be exempted from watchings.

**15 May, 1649.*

15 May.

[*230.]

Time of Nor-
folke Courts.

Att the request of the county of Norfolke, itt is ordered, that the constant dayes for keeping their County Courts from henceforth for Salisbery, from yeere to yeere, shall beginne the second Tuesday in Aprill, & at Hampton, yeerely, the first third day in October; & for this yeere Richard Bellinghm, Esq^r, & M^r Samuell Simonds shall keepe Courts there, wth Cap^t Thomas Wiggin, M^r Samuell Dudley, & M^r Rob^t Cleomen^{ts} as associats to joyne wth them.

Com^{it}tee for
searching writ-
ings left by the
Gourn^r.

M^r Bellingham, M^r Nowe^{ll}, M^r Joseph Hill, & Edward Rawson are appointed a com^{it}tee to examine the publicke writings receaved from the former Go^uno^r, & put them in order fittingly; & they are to doe it wthin 5 weekes.

Ans^r to M^r Bel-
linghm & M^r
Dum^s peti-
tion.

In answer to the peti^{ti}on of Rich Bellinghm, Esq^r, & Rich Dum^r, executors to M^r Th^o Nelson, itt is ordered that M^r Richard Dum^r shall give accompt to M^r Rich Saltonstall & M^r Sam^l Simonds vpon oath, and they to certify the same to the next adjournement of this Court, that the

said Mr. Duñer may have his dischargd as agent, or attorney, & so himself & the other executo^r may enter vpon the estate of the said M^r Nelson, & dispose of the same as executo^{rs} in beha^{lf} of M^{rs} Nelson, wyddow, & hir children, & the children of M^r Nelson by a former wife.

1649.

15 May.

16 May, 1649.

Vppon a request made to this Courte by the executo^{rs} of X^{to}pher Young, of Wenham, deceased, concerning the disposing of his children, w^{ch}, by his will, were to be sent into England, the Courte, in answer therevnto, judgeth it meete to order that, by reason M^r John Phillips, vnto whom the boy was to be sent, hath shewed his dislike thereof, and vnwillingness to entertaine him, that the executo^{rs} have hereby power, and are authorized, to place him forth heere in this country, so as, in their vnde^rstanding, may best conduce to the good of the child; and for the two daughters that were to be sent ouer to England to M^{rs} Elvin, that they be continewd heere vntill the execu^{to}s send to M^{rs} Elvin what was desired by the said X^{to}pher Younge in sending his two daughters to hir, w^{ch} if, vpon hir answer, she manifest hir acceptance of them, the two daughters to be sent by the first optunity; but, if shee refuse it, then the executo^{rs} are to place them forth as may seeme best to them, and may conduce to the good of the children.

16 May.

Ans^r to y^e ex-
ecuto^{rs} of X^{to}p^r
Younge's peti-
tion.

*In answer to the peti^{ti}on of M^r Rob^t Saltonstall for his land, the Courte conceaves that the peti^{ti}on^{er} should first finde out & ppound to the Courte the place where he may have his quantity of land already graunted to him, and, if wth conveniency it may be donⁿ, the Courte will be ready to confirme it.

[*231.]

To y^e 2^d p^{te} of his peti^{ti}on, conce^ring the right of the pattentees, the Courte leaves it to the considera^{ti}on of the next session of this Courte.

To the 3^d p^{te} of his peti^{ti}on, for a hearing betweene him & M^r Sellecke, the Courte graunts him a hearing in y^e case betweene him & M^r Sellecke, to be the next session of this Courte, p^{ro}vided he putt in good security to the valew of 50^{li}, to satisfy & dischargd the expences of the Courte, & costs & damages of the defendant, if, vpon hearing, the case shall be adjudged ag^{nt} him, the petitioner.

Ans^r to M^r
Rob^t Salton-
stalls petition.

In ans^r to the petition of M^r W^m Gerrish, the Courte grants his petition in manner following: 1. That ffourteene pounds & tenn shillings be abated, in regard of losses of catle, out of the hundred & ffifty pounds dew to the child.

W^m Gerrish,
Courts answer
to.

2. That the remainder of the hundred & ffifty pounds be p^{re}sently sett out and paid to the vse of the child, in the dwelling howse that John Oliuer lately duelt in, at Newbe^{ry}, together wth the lands that now aptaines there-

Ans^r to M^r Ger-
rish his peti-
tion.

1649.

16 May.

vnto ; & if this howse & land, wth the apurtenaunces, shall not reach to discharge the some, then to be suplyed out of the estate of M^r Gerish, in catle or otheruise, and that the Courte appointe meete men to make the apprisall. There was one dwelling house, barne, & cowhowse, purchased by M^r Gerish of M^r Loules, wth other lands therevnto aded, w^{ch} are intended herewth to be ap-prized.

3. That the child should stand to the advance or losse of the valew of John Oliuer his howse & lands, according to former order.

4. That the howses & lands being ap^rized, the Courte may authorize M^r Gerrish, John Saund's, & M^r Edward Woodman, or such of them as they thinke meete, to be intrusted wth the estate of the child, & to sell or lett out the howses & land as they shall judge most to conduce to the benefitt of the child, giving this Courte an accompt of their p^rceedings hercin, when they shall be called therevnto.

5. That M^r Gerrish shall have competent allowance from the p^rffitts of the estate of the child, for his education & maintenance, to be determined by the Courte.

This Courte doth authorize John Saunders, Richard Knight, & M^r Green-leave to prize the said howses & land, w^{ch} w^{ch} was John Oliuers his estate, and what other shall be tendered for the daughter of the said John Oliuer hir por-tion, & to make retourne of the apprizement to the next sessions of the Gen-erall Courte, & then to determine what allowance to be made for the childs educa^cōn & maintenance ; & if the said howses *and lands shall be sould by those three men appointed by order of Courte, then to be determined by the Genn^rall Courte, who shall keepe the said portion, & when to be paid the child.

[*232.]

M^r Maurickes
2^d petition.

To the honnored Gennerall Courte, now assembled in Boston.

May it please yow :

Whereas I have binn formerly chardged wth conspiracy & perjury, w^{ch}, to my vnderstanding, hath not binn sufficiencyntly p^rved ag^t me, thō the Courte, vpon the evidences brought against me, sentenced and fined me 150^{li}, & hav-ing searched the records, cannot yett see sufficyent evidence to p^rve the chardges against me, w^{ch} mooved me to petition this honnored Courte for a review of my cawse ; yett I desire the Court to vnderstand me, so as if I accompted myself altogether free of error, but have cawse rather to suspect and judge myself and ac^cōns then your justice and p^rceedings ; and being confident and experimentally assured of yo^r clemency to others in the like kind, I am bold rather to crave yo^r mercy in the favorable remittance of my fines then to stand

either to justify myself or proceedings, w^{ch}, as they have (contrary to my intentions) proved prejudicial and very offensive, so it hath bin, is, & will be, my greife and trouble. I shall not trouble yow wth arguments respecting myself & family, though the burden lyes heavy in that respect; the only motive lies in yo^r oune breasts, yo^r wonted charity, w^{ch} will render yow to the world mercifull, and refresh and fully satisfy yo^r humble petitioner, who doth remaine

Your humble servant,

SAMUELL MAUERICKE.

The Depu^{ts} have consented in full.

Answer to this petition: That M^r Mauericke should have one hundred Depu^{ts} vote pounds of his fine abated him. Wth reference to the consent of our honno^{ed} Magis^{ts} hereto, E. R.

The Magis^{ts}, having seriously considered of the contents of this petition, cannot finde that the petitioner hath so farr acknowledged himself guilty of his offence for w^{ch} he was fined, as doth give them such satisfac^{on} as might moove them to take of any parte of his fine; and the Magis^{ts}, having bin occasioned dilligently to survey the records in that case, cannot but justify the Courte in their former proceedings, & therefore cannot consent wth our brethren, the Depu^{ts}, in their retourne to this petition. J. E., Go^{vr}.

Itt is ordered, that the servants of Hugh Gullison shall be allowed twenty shillings out of the treasury, for their attendance on the Courte.

Itt is ordered, y^t y^e servants of W^m Phillipps shall have the like some for the like service.

*Itt is ordered by this Courte, that all appeales, lawfully obtayned, are to be accompted in the nature of a writt of error, and therevpon all farther proceedings to judgement and execution shall be suspended, and the partye appealing shall breifely, in writing, vnder his or his attorneyes hand, give to some one of the judges, from whom he did appeale, the ground and reasons of his appeale, sixe dayes before the beginning of that Courte to w^{ch} he did appeale. [*233.]

Order about
appeales.

Itt is ordered, that it shall not be in the liberty of any toune or pson to pay peage to the country rate, nor shall the Treasurer accept thereof from time to time. Peage not payable to y^e Treasurer.

Itt is ordered, that the Courte of Asistants shall take cognizance of no cawse or action triable in any County Courte, vnlesse it be by way of appeale, and that no debt or action, pper to the cognizance of any one magistrate, or of any three comissioners for tryall of cases vnder forty shillings, shall be entertayned by any County Courte, or Courte of Asistants, but only by W^t ac^{ons} are tryable in the Courte of Asistants. Y^e not to be in force till after the next Q^{rt} Courte. appeale from such magistrate or comissioners as aforesaid.

1649.

16 May

1649.

16 May.
Proviſion to re-
paire ye prison.

Itt is ordered, that whosoever in this jurisdiction shall disburse money or other acceptable pay for the repairing of the prison at Boston shall be repayed out of their next country rate, wth allowance of two shillings in the pound; and John Johnson and James Penn are heereby authorized to give receipts to all such persons as shall so disburse, and to take care to improve the said disbursements for the speedy repaire of the prison.

[*234.]

Pœnalty for
asking magis-
trates counsell.

*Forasmuch as it found inconvenient and very burdensome to the magistrates, that many persons have recourse to them for advice and counsell in cases w^{ch} are afterwards like to come to their cognizance in a legall way, itt is therefore heereby ordered, that after one months publication heereof, it shall not be lawfull for any person to aske counsell or advice of any magistrate in any case wherein afterwards he shall be a plaintiffe, vnder pœnalty of being disinabled to psecute any such acōn that he hath so ppounded, or taken advice in, as aforesaid, at the next Courte where the case shall come to tryall, being pleaded by way of barr either by the defendant or any in his behalfe, in w^{ch} case the said plaintiffe shall pay full costs to the defendant; and if any defendant aske counsell or advice as aforesaid, he shall forfeite tenn shillings for every offence.

Troop's 5^s pay-
able in their
owne townes.

Whereas this Courte, for the incouragement of troopers, hath ordered, that their persons and horses should be exempted from country rates, and also that fife shillings should be paid them yeerely out of the treasury, and because it is found burdensome and difficult for such troopers as live remote to gett bills signed by the auditor, and payment of the Treasurer of the said yeerely incouragement, itt is thefore ordered, that it shall be lawfull for every trooper to discount p^{er} yeerely out of his country rate to the councstable of the towne where he lives the said five shillings; p^{ro}vided, he p^{ro}duceth a noate, vnder the hand of the cheife commaunder of the troope, that he is furnished, according to order, wth horse & armes; and the Treasurer shall discount of the said councstables rates wthsoever he shall pay, according to this order.

[*235.]

Order that
stopt the West
Indy ships at
the Castle re-
pealed.

Order on ship-
ment of horses
or mares.

*The Courte doth thinke meete, that the order concerning the stopping of the West India shippes at the Castle should hereby be repealed, seing it hath pleased God to stopp the sicknes there.

The Courte, taking into serious consideration the inconveniency that may followe to the publiq by the exportacion of mares, doe therefore order, that no person or persons whatsoever shall, after the publication hereof, exporte or convey any mare or mares, young or old, out of this jurisdiction, vpon the forfeiture thereof, or the valew thereof; one halfe to the informer, and the other moyty to the publicke. And to the end that this lawe may be dewly

executed, bee it further ordered by the authority aforesaid, that no comāunder of any shipp or barke shall, after publication aforesaid, receave on board his vessell or shipp any other horses or gueldings but such as shallbe entered into a booke, wth the coulour, p̃ticuler markes, age as neere as maybe knowen, and p̃son of whom the horse was last bought, and prooffe, by witnes or oath, that he was the true ownor thereof, to be kept by Edward Bendall, of Boston, and by the clarkes of the writts in all other townes, whom the Courte heereby authorizeth to view all such as shallbe shipped. And for euery horse so entered there shallbe paid to the said Edward Bendall and other officers as aforesaid by them sixe pence; and what euer comāunder or master of any shipp who shall take aboard any other except such as he shall receave a note vnder the hand of the said Edward Bendall, or the said clarkes of the writts as above authorized, and entered as aforesaid, shall for such offence forfeite the some of forty shillings to the informer, and to the Treasurer forty shillings.

1649.

16 May.

Penalty for exporting mares & horses out of y^e jurisdiction.

*Itt is ordered, that two hundred pounds shallbe paid out of the best of the pay of the next country levye, to the surveyor^r gennerall, for the purchasing of powder for the countryes store; but in case that should fall shorte, that warrants issew out from this Courte to rayse two hundred pounds for that end; and the surveyor^r gennerall and James Penn are intreated to treat wth some of the marchants for the p̃curing of so much powder as amounteth to two hundred pounds.

[*236.]

20th graunted to renew y^e countryes store of powder.

Itt is ordered by this Courte and the authority thereof, that the select men of euery toun wthin this jurisdiction shall, before the twenty fowerth of June, w^{ch} shallbe in the yeere sixteene hundred and ffifty, provide for euery ffifty souldiers in each toun a barrell of good powder, one hundred and ffifty weight of muskett bullets, a quarter of a hundred of match, and certify vnder their hands before that time to the surveyor^r gennerall, that they are so p̃vided, vnder the p̃cnalty of five pounds for the want of euery barrell of powder, 150^{li} of bullets, $\frac{1}{4}$ C of match, as before; and the said select men are heereby authorized by this Courte to asseesse the inhabitants for making this p̃viçon, w^{ch} shall remayne as a toun stocke ouer and besides all other p̃viçons.

Proviçon for a toun stocke of powder.

Forasmuch as the printed lawe concerning dowries, vpon second veiwe and examinaçon, appears not so convenient as was formerly conceaved in euery p̃ticuler thereof, itt is therefore hereby ordered, that the clawse towards the latter end of that order, that gives a wife a third p̃te of hir husbands mony, goods, and chattells, reall and p̃sonall, after hir husbands decease, shall henceforth be repealed and become voyd, and the rest *of the said order to be, and

Widow's dower.

[*237.]

1649.
 16 May.
 Order concern-
 ing dowries.

remayne in full force and virtue; and it is hereby declared and ordered, that these words in the fowerteenth line of that order, viz., then by an act of consent of such wife, be vnderstood, in case it be donne by writing, vnder hir hand, and acknowledged before some magistrate to be hir voluntary and free acte, and so attested by him, w^{ch}, being certifyed, shallbe a full barre to such woman for euer clayming any right, title, or interest to any such estate; and it is further ordered, that where any husband dyes intestate, the County Courte of that jurisdiction where the p^{ty} deceased had his last residence shall have power to assigne to the wyddowe such a parte of his psonall estate as they shall conceave just and æquall; as also to divide and assigne to the children, or other heires, their seuerall parts and por^ōns out of the said estate.

Drunkards
 punishable.

Itt is ordered by this Courte, that if any pson be found druncken, by day or night, or shall in his drunckenesse offer any abuse to the counstables or others, by strikeing or reviling of him or them, or vsing any indeavor, by himself or others, to make an escape, itt shallbe in the power of the counstable to co^mitt such pson or psons to safe keeping or imprisonment, or take bond for his appearaunce, as he shall see cawse, and that the keeper of the prison shall receive all such as shallbe so co^mitted, and to take but twelve pence for his fees till he be sober, and then to informe the next magistrate thereof; and in case no magistrate be in toun, the counstable shall carry him before one or more of the three men appointed to end smale causes, *and where no three men are, then to carry him before any one or more of the select men in that toun, who have heereby power given him or them to doe as any magistrate may doe in the like case, if they were p^sent; provided, that if any delinquent shall confesse his fault, and pay his fine and other chardges, the counstable shall receive his fine, and dismisse the offendor; and any pson hereby authorized to receive the fines as abovesaid shall forthwth make p^sent retourne to the clarke of the County Courte, where the offence is co^mitted, of what he hath donne and received, to the end it may be recorded. The like power in the absence of a magistrate, counstables shall have to p^{ro}ceede wth swearers, and cursers, and vnseasonable tiplers, and company keepers.

[*238^a.]

Counstables
 power.

The Courte is adjourned to the 17th of the 8^m, at 8 of the clocke in the morning.

**Att a second Session of the Gennerall Courte of Elec^cōn, held at
Boston, the 17th of October, 1649.*

17 October.

[*238^h.]

MAJOR DANIELL DENNISON was chosen Speaker for this session.
James Penn and W^m Parkes were chosen stewards for this session.

18: 8 Mo: 49.

The reporte of the freemens answer by the Depu^{ts} to our honored Magis^{ts} letter and pposi^cōns. 18 October.

Honored Gen^lmen: —

Had yow expected from vs an answer to your pposi^cōn, made to vs the latter end of the last session, wee should have endeavored to have made such a retourne as might have testified that honorable esteeme wee have of your p^{rs}ons and labor; but yow, being pleased to make your addresses to the freemen, (wth to much reflection vpon the Depu^{ts},) of whom yow expect an answer this session, have deprived vs of that optuntye to expresse our dew respects wee should have binn ready to have testified towards yow, being altogether bound to retourne not our owne, but the minds of the freemen, which vpon reporte of the seuerall depu^{ts} wee find to be in gennerall full of respect and acknowledgement of debt and engagement to yow for your service and imployment, the recompence whereof, w^{ch} readily they confesse not to be suitable to their desires, yett they conceave in some measure ppor^cōnable to their condi^cōn, and accordingly the major p^{te} doe expresse themselves at p^sent to decline any engagement of farther charge vnto themselves.

Yett, notwthstanding, out of our dew respects to yourselves, wth a tender respect to the welfare of the country, wee are bold to desire and conceave it may tend much to the glory of God, peace, and welfare of the country, if yow would please to wave your resolution in your letter exprest, w^{ch} will be acceptal and comfortable to all. 18 8^{mo}, 49.

*Itt is ordered, that Salisbury shallbe, and heereby is, accompted by this Courte the shier toune for the county of Norfolke, till this Courte shall take further order thereabouts. [*238^c.]

Salisbury y^e
shier toune for
Norfolk.

Itt is ordered, that the Treasurer doe forthwth pay and satisfy M^r John Allen one hundred and thirty pounds, in the best and soonest pay that comes into the treasury out of this levye, for his hundred pounds he paid M^r Winslow. Repaym^t of
100^{li} to M^r Allen.

M^r Simonds &
Cap^t Bridges
comission to
receave M^r
Dum^{rs} accompt
of M^r Nelsons
estate.

Itt is ordered, that Cap^t Robert Bridges joyne wth M^r Simonds, to receave M^r Dummers accompt of M^r Nelsons estate left in his hand by letter of attorney, being M^r Saltonstall cannot attend it in regard of his voyadge to England.

1649.

18 October.
Edward Bendall, customer.

Itt is ordered, that Edward Bendall, the officer appointed to gather and receave the custome of all goods imported into our jurisdiction from Plimouth, Conecticott, and Newhaven, or exported from any pte hence thither, for his dew and better encouragement to see to the execution of that order, shall have one fowerth pte of such customes for one yeere, for a recompence for his paynes therein ; and heereby he is and shallbe impowred to call any ajd or assistance for the pformance thereof, as the officer to receave the custome of wyne is.

Custom's oath,
taken before y^e
Dep^{ts} alone, 22
8^{mo}, 49.

Whereas yow, Edward Bendall, are chosen customer for the yeere en- sewing, yow doe here sweare by the everlivinge God, that yow will, from time to time, faithfully execute your office, to your best abillity, according to the order for customers of all such goods as are imported or exported, belonging to Plimouth, Conecticott, or Newhaven, and to give in a trew accompt to the audjto^r gennerall wthin three months, from time to time. So help yow God.

[*239.]

Y^e prize of each
grajne payable
to y^e country
levye.

*Itt is ordered, that the prizes for all sorts of grajne for this yeare, out of any of w^{ch} the inhabitants of this jurisdiction may satisfy the country levye, shallbe, wheate, five shillings ; baly, five shillings and sixe pence ; pease and rye, fflower shillings p bushell ; Indjan corne at three shillings p bushell.

Pœnalty for
not timely
pving wills, &c.

Whereas itt is found by often experjence that some men dying and making wills, the sajd wills are concealed, and not prooved and recorded, and others dying intestate, no administraçõn is sought for nor graunted, and yett in either case the wives, children, kindred, or freinds of the deceased, or some other, doe enter vppon the lands and possesse themselves of the goods of the sajd deceased, and the same are many times sold or wasted before any creditor, to whom the sajd deceased owed mony, cann tell of whom to demand and how to recouer his just debts ; for redresse, therefore, of such vnjust and fraudulent dealings, itt is hereby ordered and enacted, that if any nominated executors, knowing thereof, shall not at the next Courte of that county, which shallbe above thirty dayes after the decease of the ptyes, after the publication of this order, make probate of any will heretofore made by any deceased ptye, or shall not cawse the same to be recorded by the recorder of the county where the deceased ptye last dwelt, or shall not wthin the same time take administraçõn (if none hath binn already graunted) of such goods as he hath, or shall meddle wthall of any ptye formerly deceased, or if any pson or psons shall hereafter aljen or imbezell any lands or goods before they have prooved and recorded the will of the deceased, or taken administraçõn, and brought in a true inventory of all the knoune lands, goods, and debts of any pson, euery such pson shall respectively be liable to be sued, and shall be bound to pay all

such debts as the deceased p̄tye owed, whither the estate of the deceased p̄tye were sufficient to discharge the same or not, and shall also forfeite to the com̄on weale so many somes of five pounds *as shall happen to be moneths betweene the next Courte, as aforesaid, of that jurisdic̄ōn, after time of the death of the deceased p̄tje and the proving of such will, or the taking of such administrācōn. And if any p̄tje shall renounce his executorshipp, or that none of the kindred or freinds of the deceased p̄son, who shall dye intestate, shall seeke for administrācōn of such p̄sons estate, then this Courte orders and enacts, that the clarke of the writts of such toun where any such p̄son shall dye, shall, wthin one moneth after his decease, give notice to the next courte of that county to which such toun doth belong, of such renouncing of executorshipp, or not seeking for administrācōn, that so the Courte may take such order therein as they shall thinke meete, who shall also allowe such clarke dew recompence for his pajnes; and if any such clarke shall faile heerein, he shall forfeite twenty shillings for every moneth of his so fayling, till he shall have fulfilled the same.

Itt is ordered by this Courte and the authority thereof, that the Courte dayes for the county of Midlesex shall, from time to time, be the first third day of the second moneth and the first third day of the eight moneth.

The Courte, finding by experience the great benefitt that doth redound to the country by putting of the lawes into printe, doe judge it very requisite that those lawes also that have past the consent of the Gennerall Courte since the booke of lawes were printed should be forthwth comitted to the presse, and therefore have appointed Richard Bellingham, Esq̄, M^r Increase Nowell, M^r Nathaniell Duncan, Cap^t Rob^t Keajue, and M^r Joseph Hill, or any three of them, a comitte to pvse and prepare them, wth those lawes also referred to in the end of the printed lawes, wth a suitable table, making their retourne to the next Courte of Elec̄cōn, that they may be printed.

*Itt is ordered by this Courte, that every victualler, ordjnary keeper, or taverner shall alwayes, after the first of March next, be provided of good and wholesome beere for the entertajnement of strajngers, who, for want thereof, are necessitated to much needlesse expences in wine; and what euer ordjnary keeper, victualler, or tavernor shall not, from time to time, be pvid- ed of such good and wholesome beere for the entertajnement of straingers, and for the prevention of other needlesse expences, they shall forfeite for the first offence fforty shillings, and for the second they shall forfeite their licenses.

Honnored and beloved Bretheren:—

Wee have heard heeretofore of diuerse Annabaptists, arisen vp in your jurisdic̄ōn, and connived at; but being but few, wee well hoped that it might

1649.

18 October.

[*240.]

Dayes appoint-
ed for the
County Court
in Midlesex.

County Court
days.

A comitte to
prepare the
lawes for the
presse.

[*241.]

Enjoyning or-
dinaries to
pvide whole-
some beere vn-
der pœnalty.

Coppy of a let-
ter writt frō the
Genn^l Court to
Plymouth for
pventing y^e
groweth of er-
rors.

1649.

18 October.

have pleased God, by the endeavours of yourselves and the faithfull elders wth yow, to have reduced such erring men againe into the right way. But now, to our great greife, wee are credibly informed that your patient bearing wth such men hath pduced another effect, namely, the multiplying and encreasing of the same errors, and wee feare maybe of other errors also, if timely care be not taken to suppress the same. Perticularly wee vnderstand that wthin this few weekes there have binn at Sea Cuncke thirteene or fowerteene psons rebaptized, (a swifte progresse in one tounce;) yett wee heare not of any effectuall restricōn is entended thereabouts. Lett it not, wee pray yow, seeme psumption in vs to minde yow heereof, nor that wee earnestly intreate yow to take care aswell of the suppressing of errors, as of the maintenance of truth, God æqually requiring the pformance of both at the hands of Christian magistrats, but rather that yow will consider our interest is concerned therein. The infecōn of such diseases, being so neere vs, are likely to spread into our jurisdicōn: tunc tua res agitur paries cum proximus ardet. Wee are vnited by confederacy, by faith, by neighbourhood, by ffellowship in our sufferings as exiles, and by other Christian bonds, and wee hope neither Sathan nor any of his instruments shall, by theis or any other errors, disvnite vs, and that wee shall neuer have cawse to repent vs of our so neere conjunction wth yow, but that wee shall both so æqually and zealously vphold all the truths of God revealed, that wee may render a comfortable accompt to Him that *to Him that* hath sett vs in our places, and betrusted vs wth the keeping of both tables, of w^{ch} well hoping, wee cease your farther trouble, and rest,

Your very loving Freinds & Bretheren.

[*242.]

Left. Johnsons
comission to
marry, &c.

Deputy mar-
shall's doings
made valid.

*Att the request of the tounce of Woobourne, Lef Edward Johnsons comission to marry such there as are legally published, is enlardged ffor one yeere.

Whereas, diuers yeeres since, W^m Wilson, who was but the marshalls deputy, did comionly make a deputy to serve attachments, executions, &c, there being no lawe then against it, but either connived at or not taken notice of by the Courte, which may occaōn much trouble and dispu^ts in the seuerall Courts concerning the legallity of such proceeding in case of complainte thereof by any pson, itt is therefore heereby ordered, that all summons, attachments, executions, levying of fynes, &c, pformed by such pson so deputed before the lawe that phibits the marshalls deputy to make a deputy, shallbe valid and good, as if the marshall or his deputy had donne the same, where the proceedings in other respects hath binn legall and just.

Jurors equally
chosen.

Whereas, vpon informaōn given to this Courte by those tounes remote from Boston, and other tounes where Courts are kept, that no respect hath

binn had to the noubmer of psons inhabiting in each toune in the issewing out of warrants for jurymen to serve at Courts, whereby some townes are eased and others are burdened, for the prevention whereof, itt is ordered, that from henceforth, the clarke or secretary of each Courte wthin this jurisdicōn shall, in all their warrants for jurymen, have respect vnto the noubmer of the inhabitants of each toune, and accordingly shall issew out their warrants, that all occaōns of complaints in this kind maybe remooved. And itt is farther ordered, that whereas there hath binn fflower Quarter Courts held at Boston in euery yeere, that from henceforth there shallbe but two only, viz., that in the first moneth and that in the seuenth month, and the order that enjoynes fflower Quarter Courts in a yeere is in that respect repealed; provided, it be and is in the power of the Go^uno^r, or, in default of the Go^uno^r, the Deputy Go^uerno^r, to call a Courte for the triall of any pson in capitall cases, that so justice be not deferred nor the country chardged.

1649.

18 October.
Direcōns to
the secr^t to
ease all townes
pporōnably in
choyce of jury-
men.
Boston, two
Quarter Courts
held in.

*The Courte, well weighing that, by Gods blessing, this country and the occaōns thereof much to multiply and encrease, and that the multiplicacōn of choyce of officers on the elecōn day may quickly growe to such a noubmer as may proove to burdensome to be attended to, doe therefore order, that it be comēded to the seuerall townes consideraōn, whether the secretary were not better to be left to the Gennerall Courts choyce, whose honnor is principally concerned therein, then to be chosen, as formerly, by the people; howeuer, that they would referr it to the next Courte of Elecōn, to the Gennerall Courte for the next yeere, and so on tryall for that yeere, which if they approove not of, they may reassume the elecōn thereof to themselves if they please.

[*243.]

Secretary
chosen by the
Court.
Choyce of
sec^tary.

Itt is ordered, that when euer any such case comes to be tryed at the Gennerall Courte, that the verdict of the jury hath binn refused, that such case shallbe determined by the major vote of the Gennerall Courte mett, and hearing the case together.

In ans^r to the petition of Sampson Lane, for a day of hearing the case depending betwene him and Richard Cutts, the Magis^{ts} not accepting the juryes verdict, a hearing was graunted him, to be on the 19th of this instant October, at one of the clocke in the afternoone.

Sampson Lane
& Rich^d Cutts
case.

19 October, 1649.

Att the time appointed, M^r Lane and M^r Cutts appeared, and after their seuerall pleadings were fully heard, and their evidences by the Courte weighed, itt was determined by the Courte to proccede to issew the case on these quæstions, which were agreed vpon to be voted accordingly.

19 October.

Quæst. 1. Whether the Virginia voyage shallbe chardged by M^r Cutts

1649. vpon Mr Lanes accompt, notwithstanding Mr Cutts transacted it in his oune name.

19 October.

Ans^r. Resolved vpon the quæstion, that it should not.

[*244.] 2 Quæst. *Whether the ffishing voyage shallbe chardged vpon Mr Lanes accompt.

2 Ans^r. Resolved vpon that quæstion, that it should.

3 Quæst. Whether one halfe of the chardges for building at Strawberry Bancke, and for the howsehold stuffe bought by Mr Cutts, and deliuered to Mr Lane, should be chardged on his accompt.

3 Ans^r. Resolved vpon that quæstion, that it should.

Mr Samuell Mavericke, Mr Nicolas Davison, and Mr Thomas Lake are by the Courte, and wth consent of the ftyes, chosen and appointed commission^{rs} to regulate, auditt, and finally to determine all the accompts from the begiining of the world to this day betwixt Mr Sampson Lane and Mr Richard Cutts, which said commissioners, or the major parte of them, shall have power to give oath, examine wittnesses, graunt judgment, observing therein the severall votes of this Courte passed this day in the case; and the sajd comissioners are hereby enjoyned to issew the same before the last day of the eleventh month next coming, and forthwth to deliuer a transcript of their judgement to the secretary, vnder their hands, or the hands of some two of them, that so it maybe recorded, and execution therevpon graunted.

Yow doe heere sweare by the euerliving God, that in the accompts betweene Mr Lane and Mr Cutts, which the Courte hath comitted to your trust, that yow will, according to your best light and skill, pvse, regulate, audit, and finally determine, wthout respect of psons or favor of any man. So help yow God.

Ans^r to Reddings petition.

In answer to a petition from the tounce of Redding, ffor a comission from this Courte to lay out their lyne, itt was referred to the consideraçõn of the next Gennerall Courte, and in the meane time Linn to have notice thereof, that if they see cawse they may attend the Court thereabouts.

[*245.]

Ans^r to Leff W^m Gerrish his petition.

W^m Gerrish to educate M. Oliuer.

*In answer to the petition of Leff W^m Gerrish, of Newbery, requesting that he may have the estate of Mary Oliuer as it is vallewèd and apprizd by those appointed by this Courte, the Courte doth graunt that the said W^m Gerrish shall have the said Mary Oliuers estate as it is apprizd, giving in good security wth his oune to pay the said Mary Oliuer one hundred thirty and five pounds tenn shillings in corne or ca^{le}, at currant prize, at the age of fowerteene yeeres, and, in the meane time, educate, maintaine, & bring vp the said Mary, according to the vse of such an estate & quallity of the child, at his oune propper costs & chardges.

Forasmuch as the orderly choyce of Assistants yeerely is of great concernment, and wthall care and circumspection to be attended, itt is therefore ordered by this Courte and the authority thereof, that the counstables of each toune wthin this jurisdic^on shall call together their freemen some day in the last weeke of the nynth moneth, yeerely, to give in their votes in distinct papers for such psons, being freemen and resident wthin this jurisdic^on, aswell the magis^ts in p^sent being as others, as they desire to have chosen Asistants at the next Courte of Elec^on, not exceeding t^he number of twenty; and that no freeman shall putt in above one vote for one pson, vnder the penalty of tenn pounds for euery offence; and the said freemen so mett, or the major p^te of them, shall then and there appointe one to carry their votes, sealed vp, to their shier townes, vpon the last fowerth day of the weeke in the first month following, at twelve a clocke, from time to time, which psons for each toune so assembled *shall appointe one co^mmissioner for each shiere to carry them to Boston the second third day of the second month, there to be opened in the p^rnce of one or two magis^ts, (if they be in toune;) if otherwise, by those p^tyes that brought them; and those twenty that have most votes shallbe the men (and they only) w^{ch} shall be nominated at the Courte of Elec^on for Assistants as aforesaid; and the co^mmissioners of each shier shall forthwth signify to the counstables of their seuerall townes wthin their shier, in writing, vnder their hands, the names of those twenty; all w^{ch} the counstable shall forthwth signify to their freemen; and as any have more votes then other, so shall they be nominated for elec^on, except such of theire twenty who have binn magis^ts the yeere before, who shall have p^rcedency of all others in nomina^on on the day of elec^on; and if any pson betrusted in this order shall faile in the discharging their trust, they shall forfeite tenn pounds; and the printed law for elec^on, page twenty one, bearing date 1647, is hereby repealed.

1649.

19 October.
Order for y^e orderly & yerely choyce of Assistants.

[*246.]

In ans^r to the peti^on of John Dajne ffor the setling the howse and lands of W^m Chandler (whose wyddow he marryed, & children brought vp) on him, the said John Dajne, his request was graunted, & y^e said howse and lands confirmed on him by this Courte.

Dajnes ans^r.

In answer to the peti^on of M^r Rob^t Saltonstall, the Court doth graunt him liberty to sue and recouer what he cann legally proove to be his.

Ans^r to Robt Saltonstalls petition.

*In ans^r to the petition of Margarett Stoniard, of Roxbury, ffor power & liberty to sell the howse and lands of John Stoniard, hir late husband, hir request was graunted by both, & admitted in forma pauperis.

[*247.]

Ans^r to Marg^t Stonyards petition.

Whereas a booke hath binn p^sented to the Courte, intituled a Platforme of Church Discipline, gathered out of the Word of God, &c, being the result

1649.

19 October.
A book,
Church Disci-
pline, for the
Courts exami-
nation.

of what the synod did in their assembly in the yere 1647 at Cambridge, for their consideraçon and acceptance, the Court judgeth it meete to comend it to the judicious and pious consideraçon of the seuerall churches wthin this jurisdicçon, desiring a retourne from them at the next Genne'll Courte hou farr it is suitable to their judgments and appbaçon, before the Courte pceeds any farther therein.

M^r Rawson, having resigned vp his five hundred ac^{rs} of land, formerly graunted him in pte of recompence of his damage sustayned about salt peeter, the Court judgeth it meete to allowe him thirty pounds, in full satisfacçon; whereof the five pounds formerly graunted is to be accompted a pte.

Courts letter to
M^r Winslow.

S^r: —

Yow may please to take notice that yours, sent by M^r Allen, was comūnicated vnto vs, wherein wee doe observe yo^r dilligence and care in your employment; notwthstanding the successe hath not yett crowned your labors (though in a hopefull way) of issew, (as you doe write,) wee doe, wth all thankfulness, acknowledge, not only your readines at first to serve vs, but also your indefatigable continuance therein since your being there; but now, taking into serious consideraçon, not only your long absence from your family, w^{ch} wee feare may be to great a burden, as also the weighty affaires of that state in this juncture of time w^{ch} renders them in some measure vncapable of attending your desires for the bennefitt of this plantaçon, together wth the sence of our oune p^sent chardge and inabiliti *to accomodate yow wth suitable and comfortable allowance in your service, and therefore have thought meete hereby to intimate to yow our desires of youre retourne home, by some convenient shipping, this next sommer; yett shall wee hope, by Gods assistance, faithfully dischargd and satisfy M^r Allen or any other from whom yow have receaved any monyes in our behalf. So, desiring the Lords gracious p^sence to accompany yow in all yo^r occaço^{ns}, and retourne yow in safety to vs and your family, wee for p^sent take leave, and remajne,

S^r,

By both.

In answer to the petition of Lef^t W^m Howard ffor his chardges in attending this p^sent Courte, in the case betweene him and Edward Colcord, who appeared not, —

For going to Salisbury for y^e records, 3 dayes, . . . 00 06 00
For the records copying out, 00 06 06

[*248.]
Contradicens:
Edward Raw-
son, Robt
Keajne, Ed-
ward Johnson,
Edw: Jackson.

For his attendance, fflower dayes, 00 08 00
 For pcuring W^m English his oath, & time of drawing it, 00 02 06

1649.

19 October.

All w^{ch}, being twenty three shillings, was allowed him. By both.

The Howse of Deputyes, having heard Major Rob^t Sedjuks excuse for his absenting himself from the last session of this Courte, voted, that they accepted thereof, & therfor remitted him his fine of five pounds, w^{ch} last session was imposed on him. Voted.

A list of the seuerall heads vnder w^{ch} are placed the sefall papers of greater or lesser publicke or private vse of such writings as were left in honored M^r Winthrops study.

The comittees
retourne of
w^t they did in
pvsing hon-
nored M^r Win-
throp's writ-
ings.

No. 1. Auncyent writings of the first adventurers, wth some other mat-
ters.

Papers of the
late Governor
Winthrop.

No. 3. Seuerall writings conceŕ the commission^{rs} of the Vnited Col-
lonjes.

No. 2. Seuerall writings from & conceŕ Bermuda & y^e Sommer
Ilands.

No. 4. Writings from & conceŕ Conecticut and Newhaven.

No. 5. Writings about Douer and Piscataquake.

No. 6. Writings from and concerning the Dutch.

No. 7. Writings concerning Gorton and Road Iland.

No. 8. Writings conceŕ the iron workes.

No. 9. Writings conceŕ and from Ligonias.

No. 10. Writings from and conceŕ M^r Pinchon.

No. 11. Writings from and conceŕ Plimouth.

No. 12. Writings from and conceŕ the Swedes.

*No. 13. Writings from M^r Winslow.

[*249.]

No. 14. Writings from and conceŕ the French.

No. 15. Diuers petitions and other writings.

No. 16. Diuers wast papers of smale consequence.

All which, as marked, are deliuered, in a pillowby, sealed vp, to the sec-
tary, wth a copy of the printed lawes, testimonyes, and orders of Courte, and
seuerall letters of M^r Weld, & other accompts deliuered to the auditor geñll.

This retourne of the comittee was accepted of, wth acknowledgm^t of
thanks for their pajnes. By both.

For the prevention suspitions and jealousies, and that æquall justice may

1649.

19 October.
Order about y^e
negative vote
where judges
and juries dis-
agree.

be donne to all men, and a finall issew put to all cases that shall come before this Courte, itt is ordered, that all such cases as shall be brought before this Courte by petition, for review of any case tryed in any other Courte, or by order of this Courte, as in the case of the judges and juryes disagreement, shallbe determined by the major vote of the Courte mett together, and all cases that shallbe brought before this Courte, by way of complainte of vnjust or vnæquall proceedings in any other Courte, shall be determined by the major pte of the Deputies only. Voted.

Deputies to
meet at Salem.

Itt is ordered, that on the last Wendsday in April next, by fower of the clocke in the afternoone, there shallbe a meeting of the seuerall deputyes, or other messengers of the seuerall townes in this jurisdiction, at Salem, then and there to consult about and prepare elecçõs, and what els they thinke meete, that tends to the welfare of the countrye at the next Gennerall Courte. Voted.

Twice donne.

Itt is ordered, that Cap^t Rob^t Bridges joyne wth M^r Simonds to receave M^r Dummers accompt of M^r Nelsons estate, left in his hands by letter of attorney, by reason M^r Saltonstall cannot attend it in regard of his voyadge to England. By both.

In answer to a petition of Valentine Hill, for 300 acres at Lamprell River.

[*250.]

*In answer to a petiçõn of the toune of Newbery ffor the confirmaçõn of Plum Iland wholly to them, the Courte conceaves it not meet to graunt it to them alone, but doe hereby give and graunt Plum Iland and the inheritance thereof to Ipswich, Newbery, and Rowley, viz., Ipswich to have 2 p^{ts} thereof, Newbery 2 p^{ts} thereof, and Rouley one pte thereof. By both.

Cap^t W^m Hawthorn, Cap^t Keajne, Cap^t Gooking, Cap^t Ting, and Cap^t Pritchard are appointed a comittee to advize wth the Magis^{ts} of such a way to accomodate them as may be to the country and their satisfacçõn if it may be, making their retourne to the howse. Voted.

Ralph Wood-
wards comis-
sion.

In answer to the petition of the toune of Hingham, Ralph Woodward hath comission graunted him to marry such as are legally published there, till next Gennerall Courte. By both.

Auditors rec-
ompence about
ret. custome of
wynes.

In ans^r to the petition of Left^t Duncan, audito^r gen^{ll}, ffor allowance of thirty pounds p ann^ũ for his pajnes in taking vp the custome of wyne since it hath binn left to him, the Court thinks meete to graunt him thirty pounds in all as a recompence for his paynes thereabouts. By both.

Chardges of y^e
prisons repara-
çõn.

Itt is ordered, that the Treasurer pay, or cawse to be paid, the some of thirty two pounds ffouerteene shillings and two pence to John Johnson, sur-veyo^r gen^{ll}, or James Penn, who are engaged for the payment of so much to the workemen that wrought at the prison, and this to be paid out of the first

corne that is collected of the levy now dew, and because they are engaged to pay thirteene pounds tenn shillings in mony. The Treasurer is desired either to disburse the mony, or deliuer vnto them so much of the best sorte of corne as may p̄cure so much mony, that so they maybe enabled to satisfy their engagements for the country.

1649.

19 October.

*In ans^r to a petition of the inhabitants of Dedham ffor a parcell of vp-land and meadow adjoyning to their line to make a villadge of, in quantity 4 miles south and north, and three miles east and west, becawse they are streightned at their doores by other townes & rocky lands, &c. Their request is graunted, so as they erect a distinct village therevpon w^{thin} one yeere from this day, Octo^b 23, 1649; & Cap^t Keajne, Mr Edward Jackson, & the surveyo^r gennerall are appointed to lay it out at any time, Dedham giving them a weekes warning. By both.

[*251.]

Dedham vil-
ladge.

Itt is ordered, and heereby declared, that what agreement or contract soeuer the surveyo^r genne^rll, John Johnson, and James Penn shall make wth any marchant for the p̄curing of powder to the valew of two hundred pounds, the Gennell Court shall & will make it good in all p̄ticulers.

S^rveyor Gen^l
& James Penn
comission ab^t
powder.

The inhabitants of a toune within this iurisdicōn, at their first setting doune, did gennerally agree to sett a^pte a certaine p̄cell of land to y^e valew of about 20 ac^rs, lying betwixt y^e salt marish and the lowe water marke, for the vse of the whole toune, to be improoved ffor thatching howses, the want whereof is very p̄judicyall to the toune, since w^{ch} time this honored Gennerall Courte, by an order of theires, have made all lands to low water marke to belong to the p̄prito^{rs} of the land adjoyning therevnto. The aforesaid inhabitants, not being able to resolve themselves, humbly desire the resolution of this honored Gennerall Courte, whether the order of Courte make voyd the p̄ceding toune order.

A townes quæ-
tion.

In ans^r to the townes quary, the resoluōn of the Courte is, that the Courte order doth not disañull the order of the towne preceding it. By both.

In ans^r to y^e petition of Samuell Plummer, fferryman, of Newbery, ffor encouragment to attend the fferry there, to take two pence p passenger for their transportaōn, the Courte graunts him power so to doe. By both.

Ferryman of
Newbery rec-
ompence for
transportaōn.

In ans^r to y^e petiōn of Raph Roote, and Sarah, his daughter, ffor liberty & power from this Courte to confirme a bargaine & sale of a howse & land in Reading, given to the said Sarah, being vnder age, to Thomas Taylor, of Water Toune, to whom they have sold the same, the Courte graunts their request. By both.

Ralph Root.

*In ans^r to the petition of Cap^t Ro^bt Keajne, Mr Richard Broune, and Mr Richard Parker, for the laying out of their seüll porōns of land next to the villadge graunted to Dedham,—

[*252.]

1649.

19 October.

Mary Oliver,
Courts reply.

Viz., to Robt Keajne, one thousand seventy & fower ac^{rs}; to Richard Broune two hundred ackers, and to Richard Parker fflower hundred thirty and six ackers, their request was graunted. By both.

In ans^r to the petition of Mary Oliuer, of Salem, ffor liberty to abide in this jurisdic^{cion}, notwthstanding the lawe y^t enjoynes the sending of husband & wife, where they be separated each from other, one to another, the Court leaves hir to the p^onalty of the lawe, vnlesse shee putt in sufficyent security to remoove out of this go^ument wthin one month after this date. 24: 8 ^m, 1649. By both.

In ans^r to a petition of Jerremiah Clarke, ffor a hearing of the case betweene him & Cap^t John Patridge, of Road Iland, his request was graunted, & the case to be heard next after Sampson Lanes, w^{ch} on that day was fully heard, and in fine the Courte gave judgment for the plaintiffe, Jerremiah Clarke, and allowed his bill of chardges, w^{ch} was fflower pounds and sixe shillings.

22 May.
[*253.]

**Att a Courte of Elec^{cion}, held att Boston, the 22th 3 M^o, 1650.*

Thomas Dudley, Esq^r, Gouverno^r.

John Endecott, Esq^r, Dep^t Gouverno^r.

Asistants: Rich Bellinghm, Esq^r,

Increase Nowell,

Simon Bradstreete,

Samuell Simonds,

W^m Hibbyns,

Thomas Flynt,

W^m Pinchon, Gen^t,

Cap^t Robt Bridges,

Frauncis Willowby,

Cap^t Thomas Wiggin,

Edward Gibbons, Esq^r, Major Gen^lll.

Simon Bradstreete, }
W^m Hawthorne, Gen^t, } Com^{is}sion^{rs} ffor the Vnited Collonyes.

In reserve: Rich Bellinghm, }
John Endecott, } Esq^{rs}.

Edward Rawson, Secretary.

Rich Russell, Gen^t, Treasurer.

Deputjes retourned from y^e tounes to serve at this Courte: —

Salem: Cap^t W^m Hawthorne, M^r Henry Bartholmew.

Charles Toun: M^r Richard Russell, Left Frauncis Norton.

Dorchester: Mr John Glouer, Cap^t Humph Atherton.
 Boston: Mr Anthony Stodder, Mr Thomas Marshall.
 Roxbury: Mr John Johnson, Mr W^m Parkes.
 Watertowne: Mr Rich Broune, Mr Ephraime Child.
 Lynn: Mr Th^o Loughton.
 Camb: Mr Jackson, Edw: Goffe.
 Ipswich: Mr John Whiple, Mr W^m Bartholmew.
 Newbery: Mr W^m Gerish.
 Weimouth: Mr Thomas Dyer.
 Hingham: Mr Bozoone Allen, Mr Joshua Hubbard.
 Concord: Cap^t Simon Willard.
 Dedham: Cap^t Eleazer Lusher.
 Salisbury: Mr Christopher Batt.
 Hampton: Jeoffery Mingay.
 Rowley: Cap^t Sebastian Brigham, Mathew Boyes.
 Sudbury: Mr Peeter Noyes, Ensi^g Edm^od Goodenow.
 Douer: Left John Baker.
 Braintree: Cap^t W^m Ting, Steven Kingsly.
 Gloucester: Hugh Calkin.
 Woobourne: Cap^t Edw: Johnson.
 Wenham: William Fiske.
 Haverill: Mr Rob^t Cleoments.
 Redding: Left ^ Walker.
 Springfield: Mr Edw: Hollioche.
 Malden: Mr Joseph Hills.

1650.

22 May.

[In the handwriting of Mr. Rawson to this place, then in that of Mr. Torrey.]

23 of May, 1650.

Cap^t W^m Hawthorn was chosen Speaker for this session.

Left W^m Torrey was chosen Clarke for this next yeere.

*William Parkes & Mathew Boyce were chosen stewards for the Howse [*254.]
 of Dep^{ts} for this session of Court. Stewards.

Cap^t Willard is chosen Comptrouler for this session. Comptrouler.

IN consideration of the inconveniency arisinge by the absence of dep^{ts}, in not attendinge that servise which they are called vnto, in respect of their places, it is ordered for this Court, that every deputy that shall not answer at the second call shall pay 3^d to the howse, & for every howers absence afterward 6^d. This order to stand in force for this yeere 1650.

This Court, findinge great inconveniencys arisinge by y^t clause in the order which p^rscribes the secretary & clarks duty & employm^t, that appoynts

Penalty for absence voted to be a standing order in the year 1669.

Order about sending of bills passed by the Court.

1650.

23 May.

what is last past amonge the Deputies should remayne with the Speaker till the whole Court shall meete together, or a comitte of Magis^{ts} & Deputies, to consider of what lawes & orders haue past, & at the end of the Court deliuer the same to the secretary, so that the Magistrats cannot tell what is past & conclud, nor can the secretary giue any true coppies to such as longe wayte to their piudice for the same, its therefore ordred by this Court, that notwithstanding that clause in the fore^d order, from henceforth the clarke forthwith from time to time shall send vp such bills as are passed both howses, and last with them vnto the secretary, & that the secretary likewise send downe vnto the clarke such bills or orders as are last past amongst the Magistrats, that he may take notice thereof in his booke. P Curiam.

Order about
saylors.
Sailors not to
be arrested for
debt.

Whereas many & great miscariages are comitted by saylors, in resept of their imoderate drinkinge of wine, beere, & stronge liquors, to the great dishonour of God & reproach of religion & gouernment heare established, which also oftimes occasions much piudice & dammage to the masters & owners of such shippes & vessells to which they doe belonge, their men beinge many times arested for debt so made when their shippes or other vessells are ready to set sayle for their voyge, for pvention whereof, it is ordered by this Courte and authoritie thereof, that no inkeep, victualer, or other seller of wine, beere, or stronge liquors shall, after publication heareof, arrest, atatch, or recouer by law any debt or debts so made by any saylor or saylors afore-mentioned, except the master or owner of such shippe or vessell, to whom such saylor or saylors doe belonge, haue giuen vnder his hand to discharge the same, any law, custome, or vsage to the contrary in any wise notwithstanding. P Curiam.

[*255.]

Jurors recom-
pence.
Jurors paid.

*Whereas we finde by experience that, notwithstandinge any pvision formerly made to pvent charge & trouble with respect vnto Courts called vppon slender grounds at the requests of private psons, in which sundry men are drawne from their employments to attend the same, without any considerable satisfaction, this Courte, beinge willinge to remoue occasions of complaynt in this kinde, doe order, that from henceforth in all p^ticular & speciall Courts called vppon the requests of private men, every juror shalbe allowed for their attendance on that service fowre shillings a daye, to be payde by them vppon whose motiō it is graunted; pvided, the s^d jury men shall beare their owne charges in dyet. P Curiam.

Gallowes re-
moued to Bos-
ton.

It is ordred by this Courte, that the gallowes shalbe taken downe & remoued from the place where it now stands, & forthwith in a convenient place of common, within the p^cincts of Boston, shalbe set vp agayne, at the common charge; which is refered to the select men of the towne of Boston to appoynt the place. P Curia.

Whereas it was ordred in a former Court, that some course should be taken for the renewinge of o^r stocke of powder, w^{ch} yet notwithstanding hath not p^{ro}ved efectuell for the ataynm^t of o^r desires therein, so that the countryes store is not so augmented as was then intended, that a more ample supply thereof may be made, it is ordred by this Court & authoritie thereof, that the country rates of Roxbury, Dorchester, & Dedham, for this yeare ensuing, shalbe assigned vnto the surueio^r generall, to purchase powder withall the first oppertunity that is p^{re}sented.

1650.

23 May.
P^{ro}visions for
powder.

And for a more easie & speedy effectinge the order of the Generall Court the last yeare, for the purchasing of two hundred pounds worth of powder, & seeinge to the discharge thereof, at the request of the surueio^r generall, Capt^t Humphry Atherton is joynd in commission with him in that respect.
P Curiā.

Whereas in suites & actions brought into Courts betweene party & party, sometimes the playntife, sometimes the defendant, & sometimes neither of them doe attend, to answer when they are called to p^{ro}secute or answer, which hath ben to longe coniu^{er}ed at by the magistrats, & much time lost in sending to seeke them out, or wayte theire comminge in, whereby the countryes charge is increased, & the magis^{ts}, jurors, wittnesses, & others abused, contrary to the laudable, reasonable practise & custome of all Courts in o^r natiue country & other countryes knowne vnto vs, it is therefore hereby ordred & enacted, that if any playntife, after he or shee haue entred any action to be tryed in any Court, or which comes orderly into any Court by repleuen, appeale, or by the disagreement betweene the magis^{ts} & jury *in an inferior Courte, & doe not by him or her selfe, or by theire attorney, make theire appearance & p^{ro}secute theire action imēdiatly after they haue bin three times called in the Courte by name, after the first forenoone of the Court, that then they shalbe nonsuited; & if playntife or defendant appeare vpon that call, they shall haue theire costs granted by the Courte agaynst him that did not appeare; & if afterwards both parties doe agree to try theire case the same Courte, they shalbe allowed so to doe, the playntife paying halfe so much for a new entry as he did before. And if any p^{er}son p^{re}sented by the graund jury for any offence, or su^{er}moned by a magistrate to answer any crime, doe not vpon su^{er}mons appeare at the time appoynted vpon the third call, as affore^{re}sd, he or shee shalbe p^{ro}ceeded agaynst for contempt, except he or shee be restrayned or p^{re}vented by the hand of God. This order to take place the first Courte in September next. P Curiā.

Penalty for
non appeare-
ance.

[*256.]

Plaintiff & de-
fendant liable
to a penalty for
non attend-
ance.

This Courte doth, with all thankfullnes, acknowlidge the good servise of Joh Endecott, Esq^r, o^r honourd Go^uerno^r, that last was in respect of his great

Gouernors
gratuity 100
marks.

1650.

23 May.

care & faythfullnes in the discharge of that trust which was comitted vnto him, and doe, in the behalfe of the country, render him hartly thanks for the same, & desire his kind acceptance of one hundred markes as a slender manifestation of o^r due respects vnto him, vntill we shalbe better enabled to declare it, which we order shalbe payd vnto him out of the next country rate.

P Curiā.

Damages not
viewed.

Order on dam-
age by cattle.

Whereas the law concerninge fencinge agaynst great cattle, fol. 7: harmes done by cattle in fenced ground shalbe viewed & judged for explanation, whereof this Courte declareth & ordreth that, notwithstandinge the said pvision in the sayd law, in case any be done in fenced grounds, by what occasion soever, the partie trespassed shall not be barred afterwards of his action, albeit the harmes be not viewed & judged accordinge to the direction of the sayd recited law; and its further ordred by this Courte that, in case of involuntary trespasses, where such trespassir shall pay or legally tender full recompence for all the damage done by him before any suite commenced, the playntife shall recouer no costs in his suite. P Curiā.

Change of
Court dayes in
Boston.

Whereas the County Courts at Boston, by order of the Generall Court, haue begun to be kept vppon the last Thursdays in July, October, January, & Aprill, it is now, for some reasons, by this Court ordred & appoynted, that from henceforth they shall alwayes begin vppon the last Twesday of every of the said moneths, as all other Courts doe except the Courte of Electiō, which, by pattent, is appoynted to be kept vppon the Wednesday, & except all other Courts, which, vppon extraordinary occasions, shalbe appoynted vppon other dayes, pvided that, for this yeare, the County Court for Suffolke shall begin on the last Wednesday in July, and, for aftertimes, as afforesajd. P Curiā.

[*257.]

Clarke of y^e
writs.

*Mr James Cary is appoynted by this Courte to be clearke of the writts for Charlestowne, in the roome of Mr Edward Mellowes, lately deceased. P Curiā.

Haverill
bounds.

Vppon the request of the inhabitants of Haverill, this Court doth appoynt Ensigne Howlet, Capt Brigham, Mathew Boyce, & Robt Hazeltine, or any three of them, to be comission^{rs} to lay out the bounds betweene Haverill & Salsbury, and all the bounds of Haverill, & to make returne thereof vnto the next sittinge of the Generall Court. P Curiā.

Haverill
comissionors.

At the request of the freemen of Haverill, Henry Palmer, Thomas Davis, & Joh Clements are appoynted to end small causes there, accordinge to law, for one yeare. P Curiā.

Lib^{ty} to y^e ar-
tillery to meet
other than on
2d day of week.

Whereas by experience it is found that the day of the meetinge of the Artileric Company in Boston, beinge vppon the second day of the weeke, is

inconvenient in diuers respects, its therefore ordred by this Courte that it shalbe in the libertie of the sajd company to alter the day of their meetinge to any other day of the weeke which they shall make choyse of. P Curiā. 1650.

23 May.

For explanation of that part of the printed law, intituled Mil: Affaires, S: 10: concerninge the surveyor generall, touchinge the comon armes of the country, its ordred & hereby declared, that his power neither doth nor shall extend to the sellinge or alienatinge any of the ordnance or great artillery, or any the appurtenances thereof, vppon any ptence whatsoever, without speciall order from the Generall Court, any law, comission, custome, or vsage to the contrary in any wise notwithstanding. P Curiā.

Armes not to be sold.

Whereas, by an order of Courte heretofore made, all playntiues were restrayned from takinge out attatchm^{ts} agaynst any deffendant, (except in some cases in the sajd order expressed, some of which cases also were of a doubtfull interpretation,) whereby many playntiues haue ben somtimes delayed, & at other times frustrated, in obtayning their just debts, the deffendants choos- ing rather to pay some small costs for non appearance vppon a summons, & so win time to conuay away their goods, or sell their estates, it is therefore hereby ordred & enacted, that, from this time forwards, it shalbe at every playntifs choyse to take out either summons or attatchments agaynst any de- fendant, any thinge in the former recited order notwithstanding. P Curiā.

Playntifes lib- erty for atatch- m^{ts}.

To the end that powder, bullets, & match, charged vppon each towne to prouide, be not neglected, & all grounds of excuse on ptence of ignorance of the law remoued & pvented, it is ordred, that the secretary shall forthwith send a coppie of the former order to each towne in this jurisdiction, putting the sixth moth for the fowrth moth next, & requiringe the cunstable & chiefe millitary officer, where no select men are, to execute the sajd order, for assessinge their inhabitants & pvidinge the sajd powder, bullet, & match, & that, in pportion to the company of souldiers, in number more or lesse than fiftie souldiers, and that they deliuer it vnto the two chiefe *officers of each company, saffly to bestow & order for the best advantage of the country. P Curiā. [*258.]

Puision for ammunition. Secretary to send the law to towns on war-like imple- ments.

Whereas there hath bin an order formerly made, in which seuerall psons haue bin authorized as a comittee to take the Treasurers acc^o, which yet hath neuer bin done, although a thinge much desired by the country, this Courte, beinge vnwillinge to suffer such great acc^{os} to ly any longer as now they doe, doe order y^t Mr Increase Nowell, Cap^t Robt Keayne, Mr Anthony Stoddard, & Mr Joseph Hills, or any three of them, shall haue power, & are hereby authorized, to heare & examine all acc^{os} which concerne the country, either betweene the auditor generall & the Treasurer or any others, in which the country is intressed; and doe hereby further giue power to aquite &

Country acc^o audited to set- tle with the Treasurer

1650.

23 May.

Maldons
marke.Meadfeild
bounds.Meadfeild laid
out.

discharge the Treasurer, either in full or so far as he shalbe able to giue a satisfactory account, pvided or sajd committee shall be accountable to this Generall Courte at theire next sittinge. And the Treasurer shall call vppon the audito^r generall & the committee, to hasten the accomplishment hereof. P Curiam. Vppon the request of the inhabitants of Maldon, the Court hath appoynted that :**ML**: shalbe the brandmarke for theire towne. P Curiam.

Whereas there was a graunt made by the Generall Court at a session the 22th of the 8th moth, 1649, vnto the inhabitants of Dedham, in answer to a petition of theires for the enlargment of the village theire, as by the sajd graunt may more fully appeare, this graunt, so made, was layd out by Captayne Robt Keaine & M^r Edward Jackson, who haue subscribed it with theire hands in manner & forme followinge, viz^t: begininge at a small hill, or iland, in the meddow on the west side of Charles Riuer, & runinge from thence about full west three miles, and then, turninge a south line, ended at Charles Riuer at three miles & a quarter, this line beinge there shorter then by the graunt it was allowed to be, but accepted by the grauntees, the sajd riuer is appointed to be the bounds from that place to the place where the first lyne began. This Court doth approue of this returne of the psons about mentioned concerninge the bounds of the sajd village, &, in answer to the request of the inhabitants of Dedhā, doe order that it shalbe called (Meadfeild.) P Curia.

Farnes on
Charles Riuer.

[*259.]

Capt. Keines
ffarme.

Whereas the Generall Court, in answer to a petition of Cap^t Robt Keaine, Richard Browne, of Watertowne, & Richard Parker, of Boston, for the layinge out of theire seuerall pportions of land in such place as they should find out, did, in the yeare 1649, graunt commission to M^r Edward Jackson to se the same done in the place in that order mentioned, next to Dedham village, as in that order, dated 23^d October, 1649, more amply appeareth; which accordingly, with M^r Danforth, a survejo^r of *Cambridge, they haue done as herevnder written appeareth vnder the sajd commissiono^rs hands. Layd out vnto Cap^t Robt Keajne, vppon Pacussett Hill, beyond the new village of Dedham, & without the line thereof, one thowsand seventy & fowre acors of meddow & vpland, beinge bounded with M^r John Allens farme on the south; Charles Riuer south & by east, east, & northeast; M^r Richard Brownes farme on the north & northwest; common land north & by west, west & northwest.

M^r Browns
farme.

Iĥ. To M^r Richard Browne two hundred acors of meddow & vpland, beinge bounded by Cap^t Keajnes on the south & southwest, Charles Riuer east, & M^r Richard Parker northwest, common land northwest & west.

M^r Parkers
farme.

Iĥ. To M^r Richard Parker fower hundred thirtie six acors, beinge

bounded by M^r Richard Browne on the south, Charles Riuer south east; the vpland on the riuerett runinge into Charles Riuer on the east & by south, east, & north east, common land west, to continue so far vppon the reuerett, takinge in the meddow on both sides, as lieth on the east side of the path goinge from Pacussett to Naticke, with one hundred acors added thereto by the surveio^r M^r Danforth, & sold to M^r Parker by John Johnson, survejo^r generall.

1650.

23 May.

These seuerall pcells of land, with reference to the order of the Generall Court, October 23^d, 1649, were lajd out in the psence of Edward Jackson, aforesajd, and, in answer to the requests of the gen^t above mentioned, is approued of by the Court, their seuerall pportions of land confirmed vnto them, the just right of any Indian to any pt of this land alwayes excepted. P Curiā.

In answer to the petition of the inhabitants of Hauirell for the graunt of an iland lying in the Riuer of Merimacke agaynst some part of their towne, contayning about 20 or 30 acors, its ordred that their request be graunted for the sajd iland, vnles M^r Ward or any other shall make any cleare title from this Court, to appeare vnto this Court within three yeares, to the sayd iland. P Curiā.

An iland giuen
to Hauerill.

In answer to the petition of o^r honourd Gouvernour, Thomas Dudley, Esq^r, & Increase Nowell, Gen^t, executors vnto M^r Isaake Johnson, for 4200 acors of land, in respect of fowre hundred pounds adventured in the common stocke, it is ordred, that in regard the sajd 400^{li} was lajd out longe since, & that the petitionors might haue tooke it in the first diuident, that their request should be graunted without any exception of hindringe a plantation, pvided that they take their land together in one place. P Curiam. 4200 acors.

M^r Dudleys
pet. for 4200
acors of land.

The commissiono^{rs} for the Vnited Collonies, at their meetinge at Boston the last summer, agreed that Majo^r Edward Gibbons should have twenty pounds payd vnto him from all the collonies for his expences when the last warre should haue ben made against the Narragansets, which, by their submission, was stajd, & that this colonie should pay the sayd 20^{li}, & they would account to vs for their pportions out of the wampompeage to be re^cd from the Narragansits, & for that end haue charged a bill vppon vs to make payment of it. This Court, for seuerall reasons, thinkes meete to accept of this bill, & doe therefore order that the audito^r generall should signe it, that so satisfaction may be made (memorā^m: this bill is assigned to the surveyo^r generall to buy powder) by Majo^r Gibbons.

Major Gen^l
gratuity.Assigned for
powder.

*Whereas there hath bin, for some space of time, diuers accounts depending betweene the country & Majo^r Generall Edward Gibbons, and that vppon examination no great matters of diffrence appears in the account betwixt

[*260.]

1650.

23 May.
Major Gen^{ls}
aquittance.

him & the auditor generall, it is therefore ordred by this Courte, that Major Generall Edward Gibbons shalbe fully aquited & discharged of & from all debts & demaunds respectinge the country, from the begininge of the world vnto the day of the date of these p^sents, which we also order shalbe recorded as a full discharge on either party. P Curiā.

Lib^{tie} to Jane
Hawkins.

In answer to the petition of Jane Hawkins, & her sons in her behalfe, for libertie to come into this jurisdiction to visite her children, it is ordred, that the sajd Jane Hawkins shall haue libbertie to come & stay in this jurisdiction one moneth any time this summer, & leaue her to her libertie to giue satisfaction to the next Courte of Assistants, which if they accept of, they shall haue libertie to admitt her into this jurisdiction. P Curiā.

Answ. to M^r
Coles pet.

In answer to the petition of Elizabeth Cole, widdow, for redresse in respect of a writinge of hers, formerly cancelld by the Court.

This Court, hauinge heretofore seuerall times taken her case into consideration, hath done what they conceiue is fully just therein, vnder which the petitiono^r ought to rest herself satisfied, nor can they further act thérin. P Curiā.

Answ. to Joh.
Pullens pet.

In answer to the petition of John Pullen, seaman, to be freed from any further service with M^r Trerise, in the shippe Chapman, vppon reasons alleaged in his said pet^{ch}, it is ordred, that the petitiono^r should be referred to haue his remedy in a Court of justice, where the case may be fully heard & determined. P Curiā.

Answ. to Jo:
Shermans pet.

In answer to the petition of John Sherman, for remittinge of the forfeiture of his bond, 35^{li}, for Robert Palmer, or respiting the execution thereof for some further time, he beinge allowed libertie till the end of June next, by the County Court, this Court sees no cause to graunt any remittment of his fine, his offence beinge of so high a nature, & so great a contempt of authoritie as it was, but thinke meete to graunt the petitiono^r's request to respite the execution, or leauinge of that fine or forfeiture for three moneths from the end of June next. P Curiā.

Repayratiō of
the prisō
howse.

Vppon information giuen vnto this Court by George Munnings, that the prison keepers howse, for want of reparation, is like to fall to very great decay, it is ordred by this Court, that M^r Anthony Stoddard & Thomas Marshall, of Boston, shall take care for the needfull repayratiō of the said howse, & other things about the prison, with all convenient speed, & what shalbe expended in the accomplishment thereof shalbe allowed them by the Treasurer out of the country rate of Boston. P Curiā.

Answ. to
Clarkes pet.

In answer to the petition of Thomas Clarke, of Boston, for the remittinge of his offence in not attendinge the order about custome, whereby he forfeited

certaine moose skins, it is ordred, that the sayd skins mentioned in his petition, & seized vpon as forfeited, should be deliverd vnto him agayne without payinge any more then only the custome.

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23 May.

In answer to the petition of William Phillips, that some p̄ticular townes might be assigned him where he might take vp some pay which is due to him from the country.

Answ. to W^m
Phillips peti-
tion.

*It is ordered, that the Treasurer shall satisfie the petitiono^r his p̄portion together as other creditors doe receiue. P Curiā. [*261.]

In answer to the petition of the inhabitants of Sudbury, for the recordinge of the bounds of their towne, as it was granted by the Court, the Court thinks meete to graunte their petition, & that the inhabitants of Sudbury aforeſd should haue their bounds recorded, as it was graunted by the Courte vnto Watertowne bounds. P Curiā.

Answ. to Sud-
bury petition.

In answer to the petition of the inhabitants of Boston for repealinge the order that requires custome of the other colonies.

Customes sus-
pended.

This Court, havinge beene credibly informed that the jurisdiction at Quenecticott will for the p̄sent suspend the takinge of any custome of vs, & that at their next Generall Court, they intend to repeale the order whereby they imposed it, doth therefore hereby order that there shall be no more custome required of the other confederat colonies vntill we shall certainly know that Conecticott doe take custome of vs. P Curiam.

In answer to the petition of Mary Woody, the wife of John Woody, of Roxbury, deceased, for to be impowred by this Court to act as an executrix, in regard of p̄sent nessesity requireinge the same, this Court thinks meete to graunt her request, & doe hereby enable her with full power so to doe, wittnesses havinge deposed to the truth of the will, & M^r Coggan & William Parkes havinge vndertooke to p̄duce a true inventory of his estate at the next County Court. P Curiam.

Answ. to
Woodyes peti-
tion.

In answer to the petition of M^r Addam Winthrop, in the behalfe of his brother, Stephen Winthrop, for the explanation of a graunt & the boundinge of a farme graunted vnto M^r Humphryes, lyinge betweene the bounds of Salem & Lin, its ordred, that Cap^t William Hawthorne, M^r Thomas Layton, & Lieutenant Walker shalbe appoynted as commissiono^{rs} to view the place, & to make report, accordinge as they find it, vnto this Court, whereby we may be enabled the better to determine about the same. P Curiam.

Answ. to M^r
Winthrops pe-
tition.

In answer to the petition of John Giddney, for the abatement of the rent he is to pay for sellinge of wine at Salem, it is ordred, that the sayd Giddney should pay only fiftene pounds for the rents of wine for this yeare ensuinge, p̄vided that he pay 20^d, accordinge to agreement, for the yeare that is past. P Curiā.

Answ. to Gidd-
neyes petition.

1650.

23 May.

Ans. to Mr
Shephards ex-
ecutors.

Daniell Gookine, Edward Collins, with the rest of the ouerseers & executors of the estate of Mr Thomas Sheppard, deceased, late pastor of the church at Cambridge, presenting a petition, with the approbation of Margret, the wife of the sayd Mr Thomas Sheppard, subscribed with her hand, in which they desire power from this Court to make sale of diuers woodlands, lying altogether wast & vnprofitable, which the said Mr Sheppard dyed possest of, to be disposed of for the bringinge vp of his children; in answer to which petition the Court doth hereby giue liberty to the executors aboue mentioned to sell the foresajd lands according to the contents hereof, pvided that they giue caution to be responsall to this Generall Court before the end of this session. p Curia.

Ans. to
Shorts petition.

In answer to the petition of Henry Short, of Newbery, for power from this Court to recouer, by way of suite, all such rents as remayne vnpayd, due vnto Mr Stephen Dummer, now in England, from such as enjoy his estate here, it is ordred by this Court, that the petitioner shall haue libertie, & is hereby *impowered, to sue any pson or psons for any rents or arcares due to the afforesaid Mr Dummer, & vpon receit thereof to aquite & discharge for the same. p Curiam.

[*262.]

Ans. to Wal-
tons petition.

In answer to the petition of Henry Walton, for the remittinge or moderatinge his pennalty for transportinge of powder, it is ordred, that the one halfe of what he hath forfeited to the country in so doinge shall be remitted. p Curiam.

Lib^{tie} giuen to
Exeter.

In answer to the petition of the freemen of Exeter for liberty to choose a cunstable & commissionors to end small causes, the Court conceiues there will be no need of such commissionors, Captayne Wiggan beinge chosen Assistant, & liuinge so neere; but graunt that they shall haue liberty to chose a cunstable, as is desired, pvided the County Court approue of the pson as being fit for the place. p Curia.

Fees remitted.

Audry Palmor, widdow, hauinge receiued a graunt lately from the Court of the howse of her sonne, John Palmor, as part of satisfaction for what he receiued of her late husband, vpon her request hath the charges & duties of the Court, and the offices thereof due for transactinge the same, remitted. p Cuñ.

Ans. to Pecks
petition.

In answer to the petition of Elizabeth Pecke, for remittinge a fine dew to the country from her husband & her for lyinge & swearinge, its ordred, that the petitioners fine of ten shilling for her lyinge shall be remitted, & that the securitie giuen for her husbands fine of thirty shillings remayne in force still, & that only is respitted till he come agayne. p Curia.

Ans. to
Makepeace pe-
tition.

In answer to the petition of Thomas Makepeas, for the releasing of a

certayne pcell of board seized on by the customer, it is ordred, that the one halfe of the forfeiture, which is the countrys right, shalbe remitted; but y^e Court cannot giue away the other halfe, which is & doth appertayne vnto the officer. P Curiā.

1650.

23 May.

Whereas this common wealth is much defectiue for want of lawes for marityne affayres, and forasmuch as there are already many good lawes made & published by o^r owne land & the French nation, & other kingdomes & common wealthes, this Court doth therefore order, that the sajd lawes, printed & published in a booke called Lex Mercatoria, shalbe pused & duly considered, & such of them as are approued by this Courte shalbe declared & published, to be in force within this jurisdiction after such a time as this Court shall appoynt; and it is further ordred, that M^r Bellingham, M^r Nowell, M^r Willoby, Cap^t Hawthorne, the auditor generall, & M^r John Allen shalbe a committee to ripen the worke, & to make returne of that which they shall conclud vppon vnto the Generall Court, and the time of their meetinge to be the first third day of the sixth moth next. P Curiā.

Lex Mercatoria
committee.
Committee to
examine and
report on laws.

In answer to a petition pferred to this Court in the behalfe of William Basset, of Sandwich, who stands arested by the officer of the customes for not entring & payinge the custome of nine bushells of pease, & now desires he may be freed vppon the payment of the customes for the sd pease, concerninge whom this Court doth declare that for seuerall reasons they are not willinge to graunt his petition, but doe order that the whole forfeiture due to the country & the officer should be taken of him.

Answ. to Bas-
setts petition

Sampson Shore, offringe himselfe for a testimony in the *case of the nine bushells of pease, before exprest, which were forfeited for not being entred, when he went out of the Court sajd we had ben as good haue taken the pease out of his howse; beinge required; gaue no satisfaction, & is therefore finned for his offenciue speach forty shillings. P Curiā.

[*263.]
Shore fined.

Robert Gowen, of Wenham, havinge sould a gunne to the Indians, & in so doeinge havinge forfeited by law ten pounds, vppon a petition pferred to this Court, hath the one halfe of his fine remitted, viz^t, fiue pounds. P Curiā.

Answ. to Gow-
ens petition.

In answer to the petition of M^r Symon Bradstreete for eight hundred acors of land dew to him from the country, as by former order appeares, it is ordred by this Court, that the petition^r shall haue liberty, accordinge to his desire exprest in his petition, to take the sajd eight hundred acors, next or neere to the farmes lately graunted to Cap^t Keayne, M^r Richard Browne, & M^r Richard Parker, so it p iudice not the village. Ppounded to this Court by M^r Eliott in the behalfe of the Indians, in case it be there to be had. P Curiā.

Answ. to M^r
Bradstreets pe-
tition.

1650.

23 May.
Answ. to Mr
Wilson's peti-
tion.

Mr John Wilson, pastor of the church at Boston, hauinge a graunt formerly from the Court for a thowsand acors of land in the Pequot country, and in respect it is like to be little or nothings at all beneficiall vnto him, in answer to his desire, exprest in a petition pferred to this Court, it is ordred, that the petitioner shall haue liberty to take his thousand acors of land next vnto Mr Bradstreets 800 acors, mentioned in the next foregoing order, if it be there to be had; but in case it be not there, then to be lajd out in any place within this jurisdiction, so it hinder not a plantation. P Curiā.

Answ. to Mr
Saltingstalls
petition.

In answer to the petition of Mr Rob^t Saltingstall, for three thowsand two hundred acors of land dew to his father in respect of fowre hundred pounds he layd into the generall stocke, it is ordred by this Court, that his request shalbe graunted for three thousand acors of land in any part of o^r jurisdiction, so as he psent to this Court the place where he would desire it, before the 20th of October next; and his former graunt of this land, mentioned in his petition, is hereby made voyd. P Curiā.

Bartlets fine
remitted.

John Bartlet, the cunstable of Newbery, beinge vnder a fine of forty shillinges for not pvidinge weights & measures according to law, vppon a petition pferd to this Court, hath his fine remitted; the Court hauinge receiued satisfactory informatiō that he did his vttmost endeouour to pcure the same. P Curiā.

Answ. to De-
stauriers peti-
tion.

In answer to the petition of Destauriers, a French marchant, for the remittinge of a fine of fifty pounds, imposed vppon him by a County Court, for rendinge a warrent, in contempt of authoritie here established, it is ordred by this Court, that halfe his fine, viz^t, five & twenty pounds, should be remitted. P Curiā.

Cookes fine re-
mitted.

In answer to the petition of Rachell Cooke, for the remitting of a fine of five pounds, imposed vppon her husband, who is since that time deceased, this Court, hauinge information of the miserable estate of the petition^r in respect of her extreame pouertie, thinkes meete to remitte the whole fine. P Curiā.

Courts declara-
tiō.

Vppon the survey of a certayne writinge psented to this Court, we find that Thomas Nelson, of Rowley, hath constituted Mr Richard Dūmer, & impowered him as his lawfull attorney, for the disposinge of his estate, as by the sayd writing doth more fully appeare; now, vppon the request of Joh Palmer, of Rowley, this Court doth declare, that the power so giuen & committed to Mr Rich Dummer is-good, & accordinge to law, *and that he may act therein without any further confirmation of the same. P Curiā.

[*264.]

Newbery
comissioners.

Vppon the request of the towne of Newbery, Edward Woodman, William Gerish, & Richard Kent are appoynted to end small causes there, accordinge to law. P Curiā.

Whereas, through the good hand of God, many well devoted psons haue ben & daylie are moued & stired vpp to giue & bestow sundry gifts, legacies, lands, & reuenewes for the aduauncement of all good litterature, arts, & sciences in Haruard Colledge, in Cambridge, in the county of Midelsex, & to the mayntenance of the p̄sident & fellowes, & for all accommodations of buildings & all other nessessary p̄visions that may conduce to the education of y^e English & Indian youth of this country in knowledge & godlynes, it is therefore ordered & enacted by this Courte & the authority thereof, that for the furtheringe of so good a worke, & for y^e purposes afforesayd, from henceforth that the sajd colledge in Cambridge, in Midelsex, in New England, shalbe a corporatiō, consisting of seauen psons, (to witt,) a p̄sident, fīue fellowes, and a treasurer or burser; and that Henry Dunster shalbe the first p̄sidente; Samuel Mather, Samuel Danford, M^rs of Art; Jonathan Michell, Comfort Starre, and Samuel Eaton, Bachellors of Art, shalbe the fīue fellowes, & Thomas Danford to be treasurer; all of them being inhabitants in the Bay, & shalbe the first seuen psons of which the s̄d corporation shall consist; and that the s̄d seuen psons, or the greater number of them, p̄curing the p̄sence of the ouerseers of the colledge, & by theire counsell & consent, shall haue power, & are hereby authorized, at any time or times, to elect a new p̄sident, fellowes, or treasurer so oft & from time to time as any of the s̄d pson or psons shall dy or be remoued; which s̄d p̄sident & fellowes, for the time beinge, shall for euer hereafter in name & fact be one body pollicicke & corporate in law, to all intents & purposes, and shall haue ppetuall succession, & shalbe called by the name of p̄sident & Fellowes of Harvard Colledge, and shall from time to time be eligible as aforeśd; and by that name they & theire successors shall & may purchase & aquire to themselves, or take & receiue vppon free gift & donation any lands, tenements, or hereditam^{ts} w^{thin} this jurisdiction of the Matathusets, not exceed the vallew of fīue hundred pound p annum, and any goodes & sums of money whatsoever to the vse & behoofe of the s̄d p̄sidente, fellowes, & schollers of the s̄d colledge; and also may sue & plead, or be sued & impleaded by the name aforeśd in all Courts & places of judicature within the jurisdiction aforeśd. And that the s̄d p̄sident, with any three of the fellowes, *shall haue power & are hereby authorized, when they shall thinke fitt, to make & appoynte a common seale for the vse of the s̄d corporation; and the p̄sident & fellowes, or major p̄t of them, from time to time may meete & choose such officers & servants for the colledge, & make such allowance to them, & them also to remoue; & after death or remoueall to choose such others; & to make from time to time such orders & by lawes for the better ordning & cariing on the worke of the

1650.

23 May.
College corpo-
raço.

College in
Cambridge in-
corporated.

[*265.]

1650.

23 May.

colledge, as they shall thinke fitt; pvided they, the sd orders, be allowed by the ouerseers. And also that the p̄sident & fellowes, or the major p̄t of them, with the treasurer, shall haue power to make concludiue barganes for lands & tenements to be purchased by the sd corporat̄ for valueable considera^{co}. And for the better ordringe of the gouern^t of the sd colledge & corpora^{co}, be it enacted by the authoritie afore^{sd}, that the p̄sident & three more of the fellowes shall & may from time to time, vppon due warninge or notice giuen by the p̄sident to y^e rest, hold a meetinge for the debateinge & concludinge of affayres concerninge the p̄fits & reuenewes of any lands, & disposinge of their goods; pvided, that all the sd disposings be accordinge to the will of the doners. And for direction in all emergent occasions, executions of all orders & by lawes, & for the p̄cureinge of a generall meeteinge of all the ouerseeres & societie in great & difficult cases; and in case of non agreem^t in all w^{ch} cases afore^{sd}, the conclusions shalbe made by the major p̄t, the sd p̄sident havinge a castinge voyce, the ouerseers consentinge therevnto; and that all the afore^{sd} transactions shall tend to & for the vse & behoofe of the p̄sident, fellowes, schollers, & officers of the sd colledge, and for all accommodations of buildings, bookes, & all other nessessary p̄visions & furnitures as may be for the advauncment & education of youth in all manner of good literature, arts, & sciences. And further, be it ordered by this Court & the authoritie thereof, that all the lands, tenements, or hereditaments, howses, or reuenues, within this jurisdiction, to the afore^{sd} p̄sident or colledge appertayninge, not exceedinge the vallew of five hundred pounds p̄ aⁿum, shall from henceforth be freed from all ciuill impositions, taxes, & rates; all goods to the sd corporation or to any schollers therof appertayninge shalbe exempted from all manner of toll, customes, excise whatsoever. And that the sd p̄sident, fellowes, & schollers, together with the servants & other nessessary officers to the sd p̄sident or colledge appertayninge, not exceedinge ten, viz^t, three to the p̄sident & seaven to the colledge belonginge, shalbe exempted from all *personall, ciuill offices, millitarie exercises or services, watching & wardings, & their estates from, not exceeding one hundred pounds a man, shalbe freed from all country publicke taxes & rates whatsoever, & no other.

[*266.] p̄ Curiā.

Courts l^{re} to
Road Iland,
Warwicke, &c,
in ans. to 5 pet.

To such of Road Iland, Warwicke, Shawamett, Pautuxit, Pvidence, or who else soever in any of those places it may concerne.

The Generall Court of the Matatussets thinkes meete to giue notice that Pomhom, Sočananocho, William Carpenter, W^m Arnold, &c, of Shawamett or Pautuxit, haue p̄sented to them seuerall complaynts containyd in seueral

petitions of iniuries done to them by some of the inhabitants of Road Iland, Warwicke, Shawamett, or Pautuxit. This Court adduiseth all such whom it may concerne to forbear psecutinge any suites amongst yo^rselues agaynst the saj^d W^m Arnold, W^m Carpenter, Pomhom, & Socananocho, or doeing them, or any of them, any further iniuries respectinge their p^{er}sons or estates till you shall here further from this Court, which will not be longe. P Curiā.

1650.

23 May.

EDWARD RAWSON, Secri^t.

In answer to the petition of M^{rs} Elizabeth Stoughton for the confirmation of the sale of an estate to the vallew of five hundred & ninetie pounds, sold to John Milam, of Boston, its ordred by this Court, that her request shall be graunted herein, & the sale of the sayd estate approued of & hereby confirmed to the saj^d John Milam, and his heires, executo^{rs}, & assignes for euer. P Curiā.

Ans. to M^{rs}
Stoughtons pe-
tition.

The answer to a petition of diuers of the iñhabitants of Boston for the releasm^t of M^{rs} Tilly was thus: That it is no small grieffe vnto the Court to be so much pressed by so many men & women, both now & heretofore, beinge such as deserue so great respect from them, in a case which they cannot gratifie them in without y^e violation of their consciences, & that authoritie the country hath betrusted them withall, so that they might answer as Solomon did his mother, whom he was loath to deny any thinge, Aske for M^{rs} Tilly the kingdome also; for the petitiono^{rs} should doe well to consider that notwithstandinge the censure past vpon her, which the magis^{ts}, vpon the full euidence they had then, did, & yet doe, thinke to be just, yet beinge willinge, out of respect they beare to the petiono^{rs} heretofore, to conniue at her disobedience so far as they might wthout betrayinge all authoritie into her hands, haue hitherto p^{er}mitted her to goe whether she pleased, doe what she listed, & speake what she would, without further questioninge of her of those who were bound to returne her to p^{er}son, wherby she rather was or might haue ben as vsefull in her midwifry as before her censure; but it playnly appeares by her cariage & speaches, & her vrginge others thus still to petition for her, that nothinge but a compleat victory ouer magistracy will satisfy her excessiue pride, which they desire may be weighed by the petitiono^{rs} & others in an equall balance, there beinge as much need to vpphold magistracy in their authority as M^{rs} Tilly in her midwiury, that so farther impartunity may be forborne, & y^t both magistrats may serue God & y^e country without discouragm^t in their places, & M^{rs} Tillys friends may at length be pacyfyed. P Curiā. Bis factu.

Ans. to pet. of
Bostō.
Courts reply to
the petitioners
of M^{rs} Tilley.

*Nathaniel Baker, in an actiō of the case vpon a repleuin, commenced a [*267.]

1650. sute at a County Court held at Boston, agaynst the townsmen of Hingham, defendants: the jury found for the defend: the magistrats refused the verdict: 23 May. the case fell to the cognizen of the Generall Court: the whole Court, being Hingham case. mett together, herd the case, & all the evidences, & in fine determined by vote that the verdict of the jury should be received.

Capt. commissiō. To o^r trusty & welbeloued friends, Cap^t Humphry Atherton & Cap^t Eliazer Lusher, these: You, beinge chosen commissiono^{rs} by the Generall Court, haue full powre and authoritie, and are hereby enabled, in their names, to consult, agree, and determine with the Generall Court of Plymouth concerning the title of land called Shawamett & Patuxitt, and p^{ro}tection of the English & Indians there, according to o^r engagm^t, repaying all priuate injurys according to law & justice. P Curiā.

June 7th, 1650.

7 June. Forasmuch as there hath ben, for some long time past, some question Plymouths res-
ignatiō. dependinge betweene the jurisdiction of the Massachusetts & New Plimouth concerninge a certayne tract or tracts of land called Shawamet & Pautuxit, & some places thereabouts, & that it hath pleased the honou^rd Generall Courte of the Massachusetts to graunt a commission, vnder the hand & seale of the said Courte, vnto Captayne Humphry Atherton & Captayne Eleazer Lusher, enableinge & investinge them with full power & authoritie to treat, consult, & determine together with the Courte of Plimouth afore^sd, in all cases whatsoever doe or may concerne the tracts of land before specified, the Generall Courte of Plimouth havinge, in considera^{ti}ō of the p^{ro}mises, as also for the p^{ro}servinge of mutuall loue, friendship, & amitie with their neibours of Massachusetts, havinge chosen & deputed M^r William Bradford, Gouverno^r, M^r Thomas Prince, M^r William Collier, Assistants, and M^r Joh Howland, M^r Thomas Democke, M^r James Cudworth, & M^r Josiah Winslow, freemen, as a committee of the said Courte, & authorizinge & enabling them with full power for them & in their behalfe likewise to debate, resolute, & fully to determine together with the afore^sd commission^{rs} of the Massachusetts, all & euery of the cases & quæstions about or concerninge the land afore^sd, which said committee, vppon due considera^{ti}ōn, as afore^sd, doth resolute, conclude, & determine as followeth, viz^t: —

That they doe fully & for euer relinquish & yeeld vp vnto the gouern^{mt} of the Massachusetts afore^sd all the right, tittle, or clayme whatsoever the s^{ai}d gouernment or jurisdiction of Plimouth haue, or might haue had, any way, or by any meanes whatsoever, vnto that whole tract or tracts of land knowne by the name of Shawamett & Pautuxit afore^sd, beinge such as are, or were, the just rights of Pomhom & Socananocho, or either of them, at that time, when

the ſd ſachems ſubiected themſelues & theire lands to the jurisdiction of the Massachusetts aforeſd, theire ſd rights beinge, or to be, cleared accordinge to evident & aparent demonstration; *and we, the ſajd committee, by the authoritie aforeſd, doe, in like manner, relinquish vnto the jurisdiction of the Massachusetts all or rights, clayme, or tittle vnto the lands justly & lawfully possessed by William Arnold & Robert Cole, & ſuch of the other English as at that time, together wth themſelues, did, in like manner, ſubject to the Massachusetts, as aforeſd; pvided, that this ſhall in no ſorte hinder or pjudice the due accompliſhment of the order of the honourd committee of Parliment in any other thinge or caſe therein concerned; and alſo pvided alwayes, that the bounds of theſe aforeſd lands ſhall not extend farther towards Cowſcit then the true knowne & approued limitts of the lands of Pomhom did extend at the t ne of theire ſubiection to the jurisdiction of the Massachusetts, as aforeſd; & alſo further, with this pviſio & condition, that what lands ſoeuer haue ben already, or hereafter may be, made to appeare to belong to the towne or inhabitants of Pvidence vnto this day, by any juſt title, ſhall not be included in this relinquishm^t aboue ſpecified, but ſhall, notwithstandinge, remayne & whollye belonge to the inhabitants of Pvidence freely to enjoye, as formerly they haue done; and alſo, that this jurisdiction of Plimouth be not in any thinge hereby put to more trouble or charge then any other of the two confederate jurisdictions, viz^t, Conecticott & Newhaven.

1650.

7 June.

[*268.]

Plymouth relinquishes all right to Shawamet & Patuxet lands possessed by W^m Arnold & others.

WILLIAM BRADFORD,
THOMAS PRENCE,
WILLIAM COLLIER,
THO: DIMOCKE,
JAMES CUDWORTH,
JOSIAS WINSLOW,
JOH: HOWLAND.

This returne of or commissione^{rs}, with the resignation of the Generall Court of Plimouth of the tract of land therein mentioned, were approued off; the commissione^{rs} had thankes returned them for their paynes, & the act of the Generall Courte of Plymouth appoynted to be recorded, June 19th, 1650.

Approbation of Plymouths resignation.

19 June.

EDWARD RAWSON, Secret^y.

Vppon the petition of Peter Oliuer, James Pen, & James Johnson, of Boston, power of administration is giuen them to the estate of Nic^o Willis, accordinge to their desire, respectinge the will annexed to their petition, pvided they bringe in an inventory of the estate to the next County Courte. P Curiā.

Answ. to Willis administrators, P. Oliver.

1650.

19 June.
Marshalls power.

Whereas the seuerall marshals, & their deputies, of the seuerall counties, in the execution of their office, beinge generall officers, haue often times neede of helpe of others when they are to serue attatchments & executions vpon vnruely & disobedient psons, it is therefore hereby ordred, that they & euery of them haue & shall haue the same power to enioyne & charge any pson they shall se meete to vse for such their helpe and assistance to ayde them therein as euery cunstable hath, & whosoeuer shall refuse or not yeeld their obedience thereto shall incurr the same pennaltie that those doe or should doe that refuse to ayd any cunstable in his office. P Curiā.

[*269.]

Answ. to Mr
Haughs petition
400 acres
of land.

*In answer to the petition of Mr Samuel Haugh, for the confirmation of a graunt of fower hundred acors of land, formerly graunted to Mr Atherton Haugh, his father, it is ordred, that his petition shalbe graunted, & the foreſd land layd out neere the bounds of Concord, northwest; & this Courte doth appoynt Cap^t Willard & Sergeant Bloud, of Concord, to lay out the same. P Curiā.

Comissioners to
require charge.

It is ordred & by this Courte enacted, that the commission^{rs} for the Vnited Colonies at their next meetinge shall require a pportionable parte of the charges expended by Mr Edward Winslow, agent for this country in England, accordinge to the pfts accrued, & that is expected to accrew to this country in generall accordinge to the equitie of the case, & to make pvision for the payment thereof. P Curiā.

Answ. to Mr
Mauericke's petition.

In answer to the petition of Mr Samuel Mauericke for the remittinge or mitigation of a fine of one hundred & fiftie pounds formerly layd vpon him, it is ordred, that the petition^r shall haue the one halfe of the foreſd fine abated. P Curiam.

Comissioners
confirmed.

The major part of the freemen of Norfolke, hauinge made choyse of Mr Rob^t Clemente, Mr Christopher Batt, & Licutenant Pike to sit as commission^{rs} with the Magistrats in their County Courts for this yeare ensuinge, haue their choyse confirmed by this Courte.

Pvision for o^r
comissioners.
Horses to be
impressed.

It is ordred by the authoritie of this Courte, that it shalbe in the power of any one magistrate to giue warrent vnto the seuerall cunstables of Boston, Charlstowne, Roxbury, & Dorchester, to impresse fower sufficient seruiseable horses, with fitt furniture, for the seruise of o^r honourd commission^{rs} & their attendants at the next meetinge of the commission^{rs} of the Vnited Colonies. And the owners of the sajd horses are to be satisfied by the Treasurer out of the country rate. P Curiā.

Comissioners
libertie to
meete.

This Court, takeing into serious consideration the pposition of the com^{is}sion^{rs} of the Vnited Colonies in the booke, page 178, That whereas the occasions of the colonies doe sometimes require the meetinge & consultations

of the comissiono^{rs} before the ordinary time appoynted by the articles of confederation in the 7th moneth, & so that meetinge may conveniently be spared, doth therefore hereby order, that henceforth it shalbe left to the libertie of the comissiono^{rs} for the time beinge to order the times of their meetinge as the occasions of the colonies may require, & so forbear the ordinary meetinges in September, as they shall see cause. Provided there be no occasionall meetinge in the summer before September, then the yearly meetinge to be held as in the articles of confederacō. P Curiā.

1650.

19 June.

Whereas there is a certayne tract or tracts of land called Shawamett & Pautuxet, belonginge to this jurisdictiō, & is not yet brought to be within the bounds of any county, this Court doe therefore order, that Shawamett & Pautuxet shalbe accompted from henceforth as belonginge to the county of Suffolke. P Curiā.

Suffolke enlarged.

It is ordred by the authoritie of this Court, that Captayne Humphry Atherton, in consideration of the *good servise he hath done at severall times for the country, shall have, as a manifestation of or thankfull acceptance of the same, a farme graunted him of five hundred acors, to be layd out when he shall tender any convenient place that is not already graunted, nor will hinder the settinge vp of a village. P Curiā.

Capt. Athertons gratuity [*270.]

For explanation of & addition to the law, title Pphane Swearinge, it is ordred by this Court & authoritie thereof, that if any person shall sweare more oathes then one at a time before he remoue out of the roome or company where he sweares, he shall then pay the sume of twenty shillings. The like penaltie shalbe inflicted for pphane & wicked cursinge, of any pson or other creature, & for y^e multiplyinge the same, as is appoynted for pphane swearinge. And in case any pson so offendinge by multiplyinge oathes or cursinge shall not pay his or their fines forthwth, they shalbe whipt or comitted to prison till they shall pay the same, at the discretion of the Courte or magistrate that shall have cognazance thereof. P Curiā.

Penalty for swearing & cursinge.

It is ordred by the authoritie of this Courte, that or honoured Gouverno^r, Mr Bellingham, Mr Joseph Hills, Cap^t Humphry Atherton, & Cap^t Edward Johnson, or any fower of them, shalbe a committee to draw vp instructions for or honoured comissiono^{rs} for their directions agaynst the time when the comissiono^{rs} of all the colonies shall meete. And this committe to meete vppon timely notice giuen them from the Gouverno^r. P Curiā.

Country committee to draw up instructions for the comissioners.

As an addition to the law, title Gaminge, 1646, 1647, it is ordred by this Courte & the authoritie thereof, that bowling, or any other play or game in or about howses of common entertaynment, shalbe, & hereby is, phibited, vnder the same pennalty to any pson offendinge herein as is pvided for in the

Addition to y^e law, title Gameinge.

1650.

19 June.
Straungers lib-
erty to try ac-
tions.

aforeſd law agaynst players at shouelboard ; nor shall any person be an abetter to any kind of gaminge, on the same penalty pvided for agaynst playinge for money or money worth phibited in the sayd lawes. p Curiā.

Whereas oftentimes it comes to passe that straungers cominge amongst vs haue sudden occasions to try actions of seuerall natures in o^r Courts of justice, & in respect it is very chargable to the ptyes & troublsome to the country to call speciall Courts for the determination of such cases, it is therefore ordred by this Court & authoritie thereof, that from henceforth it shalbe in the libtie of any straungers, vppon legall summons, to enter any action agaynst any pson or psons not residinge or inhabiting amongst vs in any of o^r Courts within this jurisdiction. p Curiā.

Mr Bartholo-
mew to be re-
payd money
advanced.

Whereas Mr William Bartholomew, of Ipswich, & Mr Henry Bartholomew, of Salem, haue tendred themselues to supply fifty shillinges apeece in money towards the chardge of the comissiono^{rs} of the colonies, it is ordred by this Court, that the foreſd Mr William & Mr Henry Bartholomew shalbe payd the same out of the next country rate in each towne, of the best of the pay, with allowance of 6^d vppon euery fve shillings for forbearance & other inconveniencies, vnless it be payd them in money in Nouember next. p Curiā.

[*271.]

Powers giuen
to treat wth
Gorton, &c.

*It is ordred & by the authoritie of this Court enacted, that the Magistrates of the next County Courte, to be held at Boston in July next, shalbe, & hereby are, impowered with ample power and authoritie to treat with & conclude with such of Mr Gortons company as shall come therevnto (if they are not satisfied that Shawamett & Pautuxit are now justly & vndoubtedly within o^r jurisdiction) of nominatinge a meete & indefrent judge & jury to here & determine the poynts of diffrence betweene them & o^rselues in that respect, that so mutuall peace & loue may be pserued amongst vs. p Curiā.

Lib^{ty} given to
Younge.

Whereas Thomas Younge, a seaman, now in Boston, hath serued Cap^t Barnabee Stanfast, master of a shippe now before Boston, with an attatchment to appeare at the next Courte held at Salem, in an action of the case for wages dew unto him, withheld by the ſd m^r, it is ordred by the authoritie of this p^{re}sent Courte, that the ſd master of the shippe shall answer the action at Salem Courte aforeſd, accordinge to the attatchment, any law or custome to the contrary notwithstandinge. p Curiā.

Lib^{ty} giuen to
Dorchester to
sue Tompsō.

In answer to the petition of the inhabitants of Dorchester for the confirmation of their title vnto Tompsons Iland, which hath benne lately questioned, it is ordred, that the petitiono^{rs} be referd to the next session of this Court, to receiue a more full answer to their petition ; & in the meane time, they shall haue libtie to take out summons or attatchment agaynst M^r

John Tompson, to require him to appeare then & there to make his defence agaynst the petition^{rs} respectinge the sajd iland. P Curiā.

1650.

19 June.

Further lib^{tie}.

Whereas, in the first session of this Courte, vppon the petition of sundry on the behalfe of the schoole of Dorchester, in relation to the title of the iland called Tompsons Iland, it was ordred, that M^r John Tompson should be summoned, or attatched, to attend a hearinge of the case at this p^sent session, yet, not knowinge whether the same was serued or no, it is therefore ordred, that attatchment shalbe graunted to bind the sajd M^r Tompson to a hearinge of the case at the next session of this Courte. P Curiā.

It is ordred by this Courte, that the seruants of Hugh Gunison, that haue giuen theire attendance vppon the Howse of Deput^s this Courte, shall haue giuen them, as a gratuitie, twenty shillings, & the seruants of M^r W^m Phillipps, who haue attended on or honoured Magistrats, shall haue ten shillings, to be payd them by the Treasurer. P Curiā.

Seruants gra-
tuitie.

This Courte, beinge willinge that M^r Mathews should haue an optunitie to giue satisfaction for what he formerly deliuered as eronious, weake, &c, which is his owne desire also, doe order, that he shall haue oppertunitie soe to doe the 28th of this instant moneth, at Boston, at M^r Phillips his howse, by eight of the clocke in the morning, to giue satisfaction for the same, if he can, to the elders of Boston, Charlstowne, Roxbury, & Dorchester, with such of the magis^{ts} as shall please to be p^sent there. P Curiā.

Lib^{tie} to M^r
Mathewes.

Whereas John Prescott & others, the inhabitants of Nashaway, p^{ferd} a petition to this Courte, desireinge power to recouer all common charges of all such as had land there, not residinge wth them, for answer wherevnto, this Court, vnderstandinge that the place before mentioned is not fit to make a plantation, (so as a ministry to be erected & mayntayned there, which if the petitiono^{rs}, before the end of the next session of this Court, shall not sufficiently make the sajd place appeare to be capable to answer the ends aboue mentioned,) doth order that the p^{ties} inhabitinge there shalbe called thence, & suffred to liue without the meanes, as they haue done, no longer. P Curiā.

Answ. to Pres-
cots petition.
J. Prescott.

*It is ordred by this Courte & the authoritie thereof, that henceforth any graunt, sale, bargan, or morgage of howses, lands, rents, or other heriditaments, recorded by the recorder of y^t shire in which such howses, lands, rents, or heriditaments are, shalbe sufficient securitie vnto the purchaser, or grauntee, without any further certifyinge vnto the recorder or secretary for the Generall Courte; and that clause in the close of the printed law, title Conueyances Fradulent, page 14, requireinge the same, is hereby repealed. P Curiā.

[*272.]

Recordinge of
lands, &c.

1650.

19 June.
Booke of Discipline, Courts
order on.

Forasmuch as the Booke of Discipline was, by order of the Generall Courte, to be commended to the seuerall churches of this iurisdiction, to be by them considered, & their consent or dissent to be returned to this Generall Courte of Ellection, concerninge the p̃ticulers therein expressed, & forasmuch as (it is sayd) that some of the churches were ignorant of the sayd order, & therefore little hath ben done in that p̃ticuler, this Courte therefore, takeing into consideraçō how nessessary the p̃fittinge of that worke wilbe, and how much it will tend to Gods glory, & peace of those churches, doe hereby order, that the sayd booke be duly considered off of all the sayd churches within this pattent, & that they, without fayle, will returne their thoughts and judgments touchinge the p̃ticulars thereof to the next session of this Courte, to the end that the sayd worke may be p̃fited to Gods prayse, and that a copie of this be forthwith sent to euery one of the sayd churches; and further, it is hereby desired, y^t euery church will, by the first oppertunity, take order for the p̃cureinge of that booke, published by the synod at London, concerninge the doctrine of the gosple, that the churches may consider of that booke, also, as soone as they can be gotten. P Curiā.

Publication of
lawes and dis-
posal of.

It is ordred by this Courte & the authoritie thereof, that henceforth the secretary for the Generall Courte shall, within two monethes after the end of euery session, send vnto the cleark of euery Shire Courte, as also vnto the p̃sent or late depu^ts of each towne, or to the constable where no deputy is, a coppie of all generall orders made in each Courte, for which he shall receiue of the Treasurer for euery such coppie after the rate of 8^d p page, which the Treasurer shall charge vpon each towne, together with their country rate, from time to time, viz^t, for the coppies sent to the p̃ticuler townes.

And it is further ordred by the authoritie afore^sd, that y^e deputies, or constables of each towne where no deputy is, shall cause the same to be audibly read in a publicke towne meetinge, warned by the cunstable of each towne, within ten dayes after their receit thereof, on pennalty of fve pounds vpon any deputy or cunstable for neglect of their respectiue duties; & it is further ordred by the authoritie afore^sd, that such readinge thereof in any shire or market towne in each shire shalbe a sufficyent publication thereof from time to time, and also that the Treasurer shall haue a coppie of such Court orders as afore^sd, without payment of any thinge for the same. P Curiā.

Questions re-
solved.

A question beinge put, whether a priuat person, not a common or publicke licensed seller of strong waters, entertayninge three or fowre p̃sons in his howse, & lettinge them there to drinke strong waters, vntill one of them is drunke, & receiuinge money for it, whether it be a breach of the law

[*273.] *intituled Inkepers, sect. (1); & accordingly the persons are lyable to the

pennalty therein mentioned. The Courts resolution herein is affirmatiue, that as the case is here stated, it is a breach of the first sect of that law, & that the pennalty may be taken according to what is therein expressed.

1650.

19 June.

2. Whether it be the intent of the Courte vpon the law intituled Pphane Swearinge, that a party being legally convicted at one & the same time of the breach of that law by twenty or forty pphane oathes, & the delinquent not able to pay any fine, whether those to whom the execution of that law is committed are bound to fech such a delinquent to the stocks so many seuerall times, although he liue two or three miles from the place of execution.

The Courts resolution herein is, that they judge it most meete to leaue it to the discretion of the magistrate whom it concernes to deale therein, to determine the case with respect to the season of the yeare. P Curiā.

Whereas we haue bin credibly informed that great mischeifes & outrages haue ben wrought in other plantations in America by commaunders & souldiers of seuerall qualities, & other straungers, issuing out of other parts, vsurpinge power of gouernment ouer them, plundringe of their estates, takinge vp armes, & makeing great diuisions amongst the inhabitants where they come, to puent the like mischeifes in this jurisdiction, this Courte doth order, and it is hereby enacted, that all straungers, of what qualitie soever, aboute the age of sixteene yeares, ariuinge here in any ports or partes of this jurisdiction, in any shippe or vessells, shall imediatly be brought before the Gouernour, Deputy Gouōno^r, or two other magistrats, by the master or mate of the sajd shipp or vessell, vpon the pœnalty of twenty pounds for default thereof, there to giue an accoumpt of their occasions & busines in this country, whereby satisfaction may be giuen to this common wealth, & order taken with such straungers as the sajd Gouerno^r, Deputy Gouōno^r, two Assistants, or the next County Court shall se meete, & that the law for entertayning of straungers be strictly put in execution; and this order to be posted vp vpon the seuerall meetinge howse dores or posts, or other publicke places, in the port townes of this jurisdictions. And it is ordred, that the cap^t of the Castle shall make knowne this order to euery shipp or vessell, as it passeth by; & the cunstables of euery port towne shall endeouour to doe the like to such shippes or vessells before they land theyre passengers, & that a true record be kept of all the names of such straungers, & their qualitie, by the clearke of the writts, who shall haue the names giuen them by the sajd Gouerno^r or magistrats, to be returned to the next imediate session of the Generall Courte. This order to continue till the next session of this Court. June 21, 1650.

Prevention of
outrages.Strangers on
their arrival to
report them-
selves.

21 June.

P Curiā.

Whereas Mr Winslow, by his letter, informes that he borrowed, two

Country credit-
ors repayd.

1650. years since, of Mr Willoby, Mr Frauncis Norton, & Captayne Rob^t Hardinge, five pounds of each of them, for supplying himselfe to cary on the publicke occasion, & of Mr Hezikiah Vsher, forty shillings, this Court thinkes meete, & doe therefore order, that the Treasurer should pay vnto them, viz^t, to each of them that lent five pounds, seuen pounds; & to Mr Hezekiah Vsher, fifty six shillings out of the next country rate. P Curiā.

21 June.

Norfolke
Courts.

Vppon the request of the inhabitants of Norfolke, Mr Bellinghā is ap-
poynted to keepe the County Courts there, with Cap^t Wigan, for this year
ensuing, 1650. P Curiā.

Deput^s depart-
ing.

[*274*.]

Sundry of the deputies, by reason of the remotnes of their dwellings,
& being p^sently to depart the Court, to goe to their seuerall habitations, doe
hereby conferre the power of the whole *vnto such & so many of the mem-
bers of this Court as shall remayne together, to act only in the perticulers fol-
lowing, viz^t: To agree of instructions for the commission^{rs}, viz^t, Cap^t Ather-
ton & Captayne Lusher in the busines of Plimouth, touching Pautuxit &
Shawamett. 2^{ly}. To p^sfit & conclude the adjournment of this Court vntill the
third day next come fortnight, viz^t, the 19th of this 4th moth, 1650, at eight
of the clocke in the morninge. P Curiā.

Mr Allens ac-
knowledgm^t.

Whereas I, Bozoone Allen, am charged to haue vttered some words or
expressions vnto the right worth Thomas Dudley, Esq^r, late Deputy Gouno^r, &
now Gou^rno^r, of the jurisdiction of the Massachusetts, in the last County Court
for Suffolke, tending to his reproach, viz^t, that something which he then spake
or related touching some agitation of Mr Cotten & Mr Wilson, at Weymouth,
in relation to some of Hingham, was false, I desire, vnder fauour, humbly to
expresse my selfe as followeth:—

1. First, that I doe not remember that I did so speake; but inasmuch as
the Magistrats are informed that I did then & there so speake, I am willinge
rather to suspect then to iustifie my selfe, accountinge & acknowledging it to
be very evill, sinfull, & insufferable for any to asperse or reflect any blenish
vppon any member of any Courte of justice, & much more to be done by me,
or any so ingaged or intressed in vpholding the honour of the country & prin-
cypall pillars thereof, as I account my selfe to be, and most of all, to de-
fame him whom I know & acknowledge to be, & haue ben, so eminently ser-
uisable vnto & tender of the good of this country, and doe in very deed
acco^t it a matter of greife vnto my very soule that he should be reproached or
the least eclipsed by any, & much more that I should be, or ap^hended to be,
an occasion thereof.

2. Secondly, I doe sollemnly p^sesse that I neither haue, nor then had,

such a thought in my hart, nor I trust shall ever harbour such a thought, as if he, viz^t, or honourd Gouⁿor, did or would willingly speake or relate any thinge vntrue or false; nor know I any ground for my self or any man so to conceiue, much lesse to conclude or affirme concerninge him.

3. My humble request to this honourd Courte, & in perticuler to or honourd Gouvernor, is, that I may be fauourably construed accordinge to my vpright & sinceare acknowledgment & ptestation; and that whatsoever in my expressions, on the occasions aforesayd, was justly offenciuie in one respect or other, may be remitted & couered with the mantle of loue, which hopes, beleeuers, & suffers much.

4. For vindication of or honourd Gouvernor from all appearance of reproach by my occasion, my humble request is, that this acknowledgment may be publickly read before this whole Courte. So desireing yo^r prayers to God for me, that I may be more circumspect & inoffensiuie in all poynts for time to come, I humbly subscribe myselfe willinge in all I may to serue & honour youe.

BOZOONE ALLEN.

The Courte conceiues that this acknowledgment of M^r Bozoune Allen, in respect of the offence he gaue concerninge or honourd Gouⁿor, is satisfactory, & doe approue thereof. P Curiā.

Courts apbation of M^r Allens acknowledgment.

In answer to a petition p^sented to this Court, in the name & in the behalf of the towne of Boston, that *that* they might become a corporation, it is agreed vpon by the Court that their desire should be graunted, if the articles or termes, priuiledges & imunities thereof were so p^sented as rationally should appeare, respectinge the meane condition of the country, fit for ^{*}the Courte to graunte, p^rvided they p^sent their p^positions at the next sessions of this Courte to be considered off. P Curiā.

Ans. to Boston for a corpora^o.

[*274^b.]

In answer to a petition p^sented to this Court by Edmund Angier, Edmund Frost, Joh Cooper, & Nathaniell Sparawhauke, feofees of the estate of M^r Nathaniell Sparawhauke, deceased, for power to be giuen vnto the petetionors to make sale of such howses & wast lands as they find to be least p^rfitable to the estate & children of the s^d M^r Sparawhauke, it is ordred, that the petition shalbe graunted, & that the feofees in trust should haue power to dispose of the estate mentioned in the petition, p^rvided that they giue caution to be responsall vnto this Courte for the disposinge of it to the vse of the children. P Curiā.

Answ. to M^r Sparhawkes feofees.

In answer to the peti^o of Henry Dunster, p^rsident of Haruard Colledge, in Cambridge, with relation to his desire in f^{ve} p^rticulers, viz^t, first, for the graunt of a corporation for the well ordring & managinge the affayres belong-

Answer to M^r Dunsters pet. 1 p^rpositi^o.

1650.

21 June.

1650.

21 June.

2^d propositiō.

Answ.

inge to the colledge, the Court is ready to graunt a corporation to the colledge, so as meete psons be p̄sented to the Courte, wth a draught of their power & libtie, neither magistrats who are to be judges in poynt of diffrence that shall or may fall out, nor ministers who are vnwilling to accept thereof; for the appoyntment of a meete pson to lay out a portion of land giuen as a legacy by M^r Israel Stoughton to the colledge, the Courte graunts & appoynts M^r Danforth, the surveyor, to lay it out, with such as the executors of M^r Stoughton shall nominate, & they two to agree on a third, to lay out the land graunted as a legacy as aboue mentioned.

3^d propositiō.

For enlargment of buildinge there, & assignment of a debt of one hundred pounds to them.

Ans.

For the debt of one hundred pounds, the Courte readily graunts, that it be payd accordinge as it was formerly apoynted; for the desire of enlargment of buildinge, the Courte, beinge so farre in debt, are in no capacitie at p̄sente to encourage it, as otherwise they would.

4th proposition.

For regulatinge the ferry rent.

Answ.

The Courte can find no way to alter agreement with the ferry men, without their consents.

5th propositiō.

For exemption from payinge customes, respectinge New Hauen, Conecticott, or Plymouth, gen^l gifts to be sent to the colledge.

Answ.

The Court readily graunts the colledge exemptiō from all custome in such respects. P Curiā.

Answ. to Dorchester respecting M^r Tilley.

Whereas diuers of the inhabitants of Dorchester p̄ferd a petition to this Court, for the releasment & enlargment of M^{rs} Tilley, the Courte, hauinge receiued a petition from the inhabitants of Boston, this Court, of the same nature to which they haue giuen a large answer, thinke meete to referre these petitionors to what they haue there exprest, which shalbe the answer to this petition. P Curiā.

Traders phibited.
Foreigners not to trade with Indians.

Whereas the French, Dutch, & other forreigne nations doe ordinarily trade guns, powder, shott, &c, with the Indians, to o^r great p̄iudice, & strengthninge & animatinge the Indians agaynst vs, as by daily experience we finde, & whereas the affore^d French & Dutch, &c, doe phibite all trade with the Indians within their respectiue jurisdictions on the p̄nalty of confiscation, &c, it is therefore hereby ordred, that, after due publication hereof, it shall not be lawfull for any French man, Dutchman, or pson of any forraigne nation whatsoever, or any English liueinge amongst them, or vnder them, or any of them, to trade with an Indian or Indians wthin the limitts of o^r jurisdiction, either directly or indirectly, by themselues or others, vnder pennalty of confiscation of all such goods or vessells as shalbe found so

tradinge, or the due valew thereof, vppon just prooffe of any goods or vessells so *tradinge or traded; and it shalbe lawfull for any pson or psons inhabitinge within this jurisdiction to make seisure of any such goods or vessells tradinge with the Indjans, as by this law is phibited; one halfe whereof shalbe to the pper vse & benefitt of the party seisinge, & the other half to the publicke.
P Curiā.

1650.

21 June.

[*275.]

In answer to the inhabitants of the towne of Boston, for the releasment & enlargment of M^{ris} Tilley, midwife, the Court doth answer, that it is no small greife vnto them to be so often pressed, both in generall & p̃ticular Courts, by so many women heretofore, & now also by so many men, beinge such as deserue so great respect from them, in a cause which they cannot gratyfe them in without the violation of their consciences & that authority the country hath betruſted them withall, so that they might answer as Solomon did his mother, (whom he was loath to deny any thing,) Aske for M^{ris} Tilley the kingdome also; for the petitionors should doe well to consider that, notwithstandinge the censure past vppon her, which they, vppon the full evidence they had then, did, & yet doe thinke to be just, yet beinge willinge, out of the respect they beare to *to* the former petitionors, to coniuie at her disobedience, so far as we might, without betrayinge all authoritie into her hands, haue hitherto pmitted her to goe whether shee pleased, doe what she listed, & speake what she would without further questioning of her or those who were bound to returne her to prison, whereby she either was, or might haue benne, as vsefull in her midwifrie as before her censure; but it playnly appeares by her cariage & speeches, & her vrginge others thus still to petition for her, that nothinge but a compleate victory ouer magistracy will satisfie her excessiue pride, which they desire may be weighed by the petitionors & others in an æquall ballance; there beinge so much need to vphold magistracy in their authoritie, as M^{ris} Tilley in her midwiery, that so further imptunitie may be forborne, & that both magistrats may serue God & the country without discouragment in their places, and M^{ris} Tilleys friends may at length be pacified. And whereas some of the magistrats haue ben informed, that there be some that thinke & speake that M^{ris} Tilley was not justly fined & impsoned by the magistrats, if any such will shew themselues therein, the magistrats are ready to make answer therevnto. P Curiā.

Answ. to Bos-
ton pet. for
M^{ris} Tilley.

[Some of the proceedings of the session, commencing on the 22d of May, 1650, and ending on the 19th of June, 1650, are recorded out of chronological order, and hence produce confusion. The date placed at the top of the margin of each page is the last date positively known.]

1650. *At another Session of the Court, the 15th of the Eighth Moth, 1650.*

15 October. **T**HE Depu^{ts} mett at one of the clocke, where was chosen Speaker for the first day of the session, M^r Richard Russell.

Stewards. M^r Ephrajm Child & Mathew Boyce are chosen stewards for the Howse of Dep^{ts} for this session of Court.

Comptrolor. Cap^t Symon Willard was chosen comptrolour for this session, also Cap^t Speaker. William Hawthorne Speaker for this session.

Notaryis fees. It is ordred by this Court & the authoritie thereof, that euery publicke notary in this jurisdiction shall henceforth stand charged from time to time to doe the p^ticulers hereafter mentioned, beinge thereunto required for the p^ticul-
ler fees hereafter expressed, viz^t, for writing —

A p^ucuration or letter of attorney, twelue pence ; for entring the same at large in his booke, if therevnto required, twelue pence.

For copying a bill of exchange, & for a p^test, & atesting the same vnder his hand, two shillings six pence.

For time nessessarily expended abroad in trautils, or otherwise, about p^tests, besids writinge & attestinge vnder his hand, as affore^sd, after the rate of twelue pence an hower.

For writinge, recordinge, & attestinge a cocquet or certificate, twelue pence.

For entringe a bill of exchange & p^test at large in his booke, one shilling six pence.

For a coppie of a bill of exchange & p^test, & signing it, two shillings.

For searchinge & declaringe, vpon demaund, any record vnder his cus-
tody, three pence.

For all writings exceedinge a page in folio, ouer & aboue the former fees, after the rate of eight pence p page, (for all aboue one page,) contayn-
ing 30 or 34 lines in a page, of ordinary sized paper, & 8 or 10 words in a line.

For a coppie of any writinge or record, the same fee as for writinge & attestinge the originall writinge or record thereof.

For the bare pvsinge & attestinge any kind of writinge not hereby specially pvided for, six pence.

And it is further ordred by the authoritie afore^sd, that no such officer shall deny or delay, any man desireinge it, the view or coppie of any record, or signinge of any writinge, vppon tender of due fees, as is aboue expressed, on p^oenalty of twenty shillings for euery such default, & shalbe lyable to the p^ty therby damnified by way of action, as in other cases. P Curiã.

Vppon information of some inconveniencies accrued, & more that may
 accrue, to seuerall psons, in that men take themselues acquitted & free from all
 legall obligations, in case of appearance in Courts accordinge to the expresse
 termes of the bond, or, at most, if the princypall there stay till verdict &
 judgm^t as giuen, which if they be, they may then make away their estates &
 absent their *persons before the twelue houres be expired for grauntinge exe-
 cution, whereby the pty recoueringe may either be depriued of, or much dam-
 aged in, his just rights, it is therefore ordred by this Court & the authority
 thereof, that henceforth all goods attatched vppon any action shall not be released
 vppon the appearance of the pty or judgm^t giuen, but shall stand ingaged
 vntill the judgm^t, or the execution graunted vppon the sd judgm^t, be dis-
 charged; nor shall any surty or sureties for appearance in any Court (except
 in capitall or criminall cases) be released from his or their bonds vntill the
 execution as afforesd be discharged & satisfied, or the princypall pson be sur-
 rendred into the hands of the marshall or his deputy, who shall secure him
 till the judgm^t be discharged, any law, custome, or vseage to the contrary
 notwthstanding. P Curiā.

1650.

15 October.

Goods attached
engagd.

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Explanation of
the law respect-
ing bondsmen.

Vppon information of sundry inconueniencies by the sudden & vnex-
 pected adjournment of Shire Courts, it is ordred by this Court & the author-
 ity thereof, that annually, vppon the day of nomination of men for magis-
 trates in euery towne, there shall also be a choyse of some meete psons for
 associates for each shire, chosen by papers & pvsed in each towne meetinge,
 & those two y^t haue most votes shalbe signified vnder the constables hand,
 & deliuered vnto each pson designed to cary the votes for magistrats vnto their
 meetinge, who, so meet together, shall examine the votes of the seuerall
 townes, and those two that haue most votes shalbe signified vnder their
 hands, & psented vnto some magistrate in each shire, or to their next Shire
 Court, by the constable in the towne where they dwell, to take their oath ac-
 cording to law, which sd associates for each shire so chosen & sworne, with
 one magistrate, shall henceforth duly attend & keepe all & euery the said Shire
 Courts vppō the seuerall dayes determined by law, that so there be no occasion
 of complaynts of that nature in time to come. P Curiā.

Adjournm^t of
Courts associ-
ats.Officers to be
chosen, called
associates, for
each shire.

Whereas experience doth shew the inconuenience of takeinge verball tes-
 timonies in Court by reason of many imptinencies in their relations, so that
 the clarke cannott well make a pfit record thereof, & to puent all mistakes &
 vngrounded jealousies agaynst the officers, be it hereby enacted & decreed,
 that henceforth all testimonjes shalbe psented in writinge to the Court, either
 attested before a magistrate, or (if the pty be within ten miles of the Court)
 to be then attested in Court vppon oath, and the pty for whom such wittnes is

Affidavits in
writinge.

1650.

15 October.

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brought shall pay vnto the recorder, for fileinge & saffe keepinge of the same, two pence, & for transcribing a copie thereof when it is called for, six pence for euery page, (and so *proportionably thereto,) consistinge of thirty lines; and further, it is hereby ordred, that the foreman of euery jury shall faythfully deliuer vpp all such testimonyes or other writeinges committed to them vnto the recorder or officer of the Court when they giue in their verdicts in any case. P Curiā.

Horses to be
impressed.

Forasmuch as by sad experience we find that the countryes most weighty & nessessary occasions is much neglected & retarded by reason that, in the time of greatest neede, few or no horses are to be impressed & gayned for the vrgent pressinge occaõs of the country, but such as pleads exemption by virtue of their being listed, which this Court is tender of discouraginge, yet findinge it of nessessity to take some such course as the countryes occasions may be seasonably serued, it is therefore ordred, that from henceforth all horses within this jurisdiction, except in the time when they are in their regimentall exercise, or in publicke seruice, for the country, shalbe subject by presse to serue the country in their necessary occasions, as other horses are; pvided, that if any, being listed for seruice, shalbe impressed, to be made vse of by the country, that then euery owner of such horse, so listed, shall haue allowed him two shillings a day; if they are not listed, they shalbe allowed only one shillinge & six pence, any law, vsage, or custome to the contrary notwithstandinge. P Curiā.

Striking of
wiues.

It is ordred by this Court & authority thereof, that no man shall strike his wife, nor any woman her husband, on pennalty of such fine not exceedinge ten pounds for one offence, or such corporall punishment as the Shire Court that hath examination thereof shall determine; & the former law, title Women, is hereby repealed. P Curiā.

Prices of corne.

It is ordred by this Court, that all sorts of corne shalbe pd in the country rate at these prises followinge: viz^t, wheate & barley at fve shillings, rye & pease at fower shillings, & Indjan at three shillings p bushell; all merchantable, & all other thinges payd in the country rate, to be valued by indefrent men, accordinge to the seuerall prises of all sorts of corne aboue mentioned. P Curiā.

Trespas vnder
40s.

It is ordred, that in all actions of trespasse, where the ptence to any Court of the trespasse shalbe ptended to be aboue forty shillings, & yet on the hearinge thereof it shall appeare to come vnder the sd value, in all such cases the playntife shall loose his action, & pay the defendant cost. P Curiā.

Dauisons an-
swer.

Nicholas Dauison, pferinge a petition in the behalfe of M^{rs} Rebecca Cradocke for satisfaction in respect of seuerall sums of money long since disbursed either by her self or husband, receiued this answer from the Court:

That the generallity of the account now in the hands of the Court, both of receits & disbursm^{ts}, concernes only p̄ticuler p̄sons or company of merchants or vnderakers, & not the gouernment now established, or people in generall, who were neuer concerned therein, nor had euer any such engagment *vppon them as the account mentions, & therefore not responsable for the debt demanded, as may appeare in the Court booke, by seūall orders about transferring y^e gouernment & mannaginge of the joynt stocke, which was sould to p̄ticuler p̄sons vppon their owne account, as by the s̄d booke of orders may appeare, in the 9th moth, 1629; & the Court doe therefore order, that the petitioner shall haue M^r Cradocks accounts deliued to him agayne, accordinge to his desire exprest in his petition. P Curiā.

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15 October.

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M^{rs} Susanna Haugh p̄feringe a petition to this Court, which sheweth that her late husband left vnto her, by his will, a howse at Boston, very much out of repayre, which the law p̄vides must be repayed & mayntayned, the petition^r desireinge the Courts resolution, whether the law intends it must be done out of her s̄d husbands estate or her owne, receiued this answer: The Court determine that the petitiono^r is to take the s̄d howse as now it is, according to the will of her s̄d husband. P Curiā.

M^{rs} Haughs
answer.

Whereas Mary Lowle, the daughter of John Lowle, late of Newbery, deceased, about seuentene yeares of age, is desireous to transport her selfe vnto England, to some neere friends of hers, from whom she receiued her education, & doth expect further fauour & benefitt in sundry respects, but not hauinge at p̄sent to defray the charge thereof, hath p̄sonally & otherwise made request to this Court, that a legacy of ten pounds, due vnto her from Richard Lowle, her vnclē, either at the age of 21 yeares or as this Court shall determine, may be payd vnto her, & her s̄d vnclē discharged thereof, this Court, vppon considera^o of the p̄mises, doe graunt & order that the s̄d legacy of ten pounds be p̄d to y^e s̄d Mary Lowle, & doe hereby discharge the s̄d Richard Lowle vppon the payment thereof to her or her assignes. P Curiā.

Mary Lowles
answer.

Mary Mansfeild, of Charlstowne, p̄feringe a petition, in which she desires her husband may haue libtie to sue certayne debtors in formā pauperis, received this answer: That the law hath already p̄vided for the petition^r in respect of what she desires, to which the Court thinks meet to refer her.

Mansfeilds an-
swer.

In answer to the petition of Stephen Forsdicke for remittinge of his bond of forty pound, for non appearance at a Court, it is ordred, that he should haue five & thirty abated, so it be only wth respect to his non appearance, p̄vided he be bound to answer for his fault at the next Court of Assistants. P Curiā.

Forsdicks an-
swer.
S. Forsdicke.

1650.

15 October.
Palmer's an-
swer.

William Palmer pferinge a petition to be diuorced from his wife, Elnor, now in England & married to another man, the Court hauing pyed his euidence, judge meete, & therefore doe declare hereby, that the sd Palmor is legally diuorced. P Curiā.

Sudbery's an-
swer.

[*280.]

The inhabitants of Sudbury pfering a petition for some men to be deputed to lay out the bounds *betweene Watertowne & them, in answer to their desires, it is ordred, that Captayne Willard, Captayne Lusher, & Mr Edward Jackson shalbe commission^{rs} to settle the bounds between them, & for their assistance therein doe further order, that Leiu^t Fisher shalbe pured to lay it out according as it hath ben graunted by this Court, & that it be done before the tenth moth next, & returne made of what is done by them to the next Generall Court, & that Cap^t Willard shall giue notice to the seuerall psons concernd, to meete together in convenient time. P Curiā.

Truslers an-
swer.

Thomas Truslar, clarke of the market at Salem, for neglect of his office, was lyable to a pennalty, as in that law is expressed; on his petition hath his fine remitted. P Curiā.

Bakers answer.

John Baker, of Ipswich, p^senting a petition, wherein he desires he may haue bills signed by the Treasurer, for the payment of seuerall sumes due to him from the country, to the value of 30^{li} & vpwards, as also to haue for the forbearance of a former debt dew to him from the country; in answer to his p^et, it is ordred, that his mony, mentioned in his petition, be payd him out of this leuie, as also that he be allowed for his disapoyntments forty shillings, but nothing with respect to forbearance, to which himself did also agree. P Curiā.

Hughes answer.

Purnell Hughes, of Lin, beinge vnder the pennalty of the law for selling of strong water wthout license, vppon her petition hath her fine remitted. P Curiā.

P^rsidents an-
swer.

Mr Dunster, pferinge a petition for money due from the country to the colledge, as also for redresse in respect of the rent of Charles Towne fferry, receiued this answer: That the Treasurer is hereby ordred to pay the p^rsident of the colledge the sume of one hundred pounds, with two yeares forbearance for what is past, as also for the time to come vntill it be payd, which shalbe out of the next leuy, that so the ends p^posed may be accomplished; & for the ferry of Charlstowne, when the lease is expired, it shalbe in the lib^tie & power of the p^rsident, in behalfe & for behoofe of the colledge, to dispose of the sd ferry, by lease or otherwise, makeinge the best & most aduantage thereof, to his owne content, so as those to whom he dispose it vnto p^rforme the seruice, & keepe sufficient boates for the vse thereof, as the order of Court requires. P Curiā.

This Court, haueinge had the sight of a booke, lately printed vnder the name of William Pinchon, in New England, gen^t, & judginge it meete, doe therefore order, first, that a p^test be drawne fully & clearly to satisfy all men that this Court is so farre from approuinge the same as that they doe vtterly dislike it & detest it as erronious & dangerous. 2^v. That it be suffyciently answered by one of the refend elders. 3^v. That the s^d William Pinchon be su^mioned to appeare before the next Generall Court, to answer for the same. 4^v. That the s^d booke now brought **brought* ouer be burnt by the executiono^r, (or such other as shalbe appoynted therevnto, p^rvided the p^ty appoynted be willinge,) & that in the market place in Boston, on the morrow, imēdiatly after the lecture. P Curiā.

1650.

19 October.

Pinchons

booke cen-
sured.Contradicent:
Cap: Hathorne,
M^r Jos: Hills,
M^r Henry Bar-
tholmew,
Lieut. Walker,
M^r Hollyoke,
Ste: Kinsley.

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The declaration & p^testation of the Generall Court of the Massachusetts, in
New England.

Courts declara-
tion.

16 October.

The Generall Court, now sittinge at Boston, in New England, this sixteenth of October, 1650. There was brought to o^r hands a booke written, as was therein subscribed, b^y William Pinchon, gen^t, in New England, entituled The Meritorious Price of o^r Redemption, Justifycatiō, &c, clearinge it from some common Errors, &c, which booke, brought ouer hither by a shippe a few dayes since, and contayninge many errors & heresies generally condemned by all orthodox writers that we haue met with, we haue judged it meete and necessary, for vindicatiō of the truth, so far as in vs lyes, as also to keepe & p^rserue the people here committed to o^r care & trust in the true knowledge & fayth of o^r Lord Jesus Christ, & of o^r owne redemption by him, as likewise for the clearinge of o^rselues to o^r Christian brethren & others in England, (where this booke was printed & is dispersed,) hereby to p^test o^r innocency, as beinge neither partyes nor priuy to the writinge, composinge, printinge, nor diuulginge thereof; but that, on the contrary, we detest & abhorre many of the opinions & assertions therein as false, eronyous, & hereticall; yea, & whatsoeue^r is contayned in the s^d booke which are contrary to the Scriptures of the Old & New Testament, & the generall received doctrine of the orthodox churches extant since the time of the last & best reformation, & for proffe & euidence of o^r sincere & playne meaninge therein, we doe hereby condemne the s^d booke to be burned in the market place, at Boston, by the common executiono^r, & doe purpose with all convenient speede to convent the s^d William Pinchon before authority, to find out whether the s^d William Pinchon will owne the s^d booke as his or not; which if he doth, we purpose (Gd willinge) to p^rceede with him accordinge to his demerits, vnles he retract the same, and giue full satisfaction both here & by some second writinge, to

1650.

16 October.

be printed & dispersed in England; all which we thought needfull, for the reasons aboue aleaged, to make knowne by this short ptestation & declaration. Also we further purpose, with what convenient speede we may, to appoynt some fitt pson to make a p̃ticuler answer to all materiall & controuersyall passages in the s̃d booke, & to publish the same in print, that so the errors & falsityes therein may be fully discoũed, the truth cleared, & the minds of those that loue & seeke after truth confirmed therein. P Curiã.

Booke answered.

It is agreed vpon by the whole Court, that Mr Norton, one of the refuend elders of Ipswich, should be intreated to answer Mr Pinchons booke with all convenient speed.

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Declaration signed.

Its ordred, that the foregoing declaration, concerninge *concerninge the booke subscribed by the name of William Pinchon, in New England, geñ, should be signed by the secretary, & sent into England to be printed there. P Curiã.

Pinchons summons.

It is ordred, that Mr William Pinchon shalbe summond to appeare before the next Generall Court of Election, on the first day of their sittings, to giue his answer for the booke printed & published vnder the name of William Pinchon, in New England, geñ, entitled The Meritorious Price of oʀ Redemption, Justificã, &c, & not to depart without leaue from the Court. P Curiã.

Letters answered.

This Court hauinge receiued seuerall lres from Mr William Bradford, Goũnor of Plymouth, from Mr Nič Easton, p̃sident on Road Iland, & from William Arnold, all which haue reference vnto the resignation of Showamett & the iurisdic̃ thereof, in answer wherevnto this Court is willinge to reassigne it to Plymouth, according to the commissionors aduice; & doe order that letters may be written to Roade Iland, that they for beare all acts of jurisdiction, and, in the meane time, that William Arnold, & the rest of the English & Indians there, be sent vnto with all conuenient speed, to consent to submit themselues to Plymouth iurisdic̃, on condition that Plymouth p̃tect them, & pforme the engagment of this Court vnto them. P Curiã.

Allens answer.

Margrett Allen, late wife of Edward Lambe, pferringe a petitiõ to this Court to be enabled, either by her selfe or her husband, to make a firme deede of sale of a certayne howse vnto one Thomas Boyden, for the supply of her p̃sent necessitie, receiued this answer: That this Court doth order, that an administration be graunted to the estate of Edward Lambe vnto Samuel Allen, & also power to confirme the sale of the mentioned howse to the s̃d Thomas Boyden, according to her desire. P Curiã.

Jacksons answer.

Edmund Jackson & Mehetable Gallop pfering a petition to the Court for power to make sale of either all or a p̃t of Hingham mill, for the vse & behoofe

of the wife of Thomas Joy, & her children, who are now in great want, & made oñ for her mayntenance, reñ this answer from the Court; that is to say, they ãre hereby impowered to sell the whole mill, or a pñt, as is desired, as also to be reñ in formã pauperis. P Curiã.

1650.

16 October.

Hugh Calkin, a member of the Howse of Deputyes, vppon his vrgent & extraordinary occasions, is dismiss from attendance the service of the Court. P Curiã.

Calkin dismiss.

Whereas Mr John Tompson, by vertue of an order from the Generall Court, was attatched, & gaue bond to answer at this Court the complaynt of Mr Thomas Jones & Mr John Wiswall, in the behalfe of the sehole of Dorchester, respectinge the iland called Tompsons Iland, & the title therevnto, the Court, after a full hearing of the case, & all the evidences on both sids, found for the defendandt, & allowed him his bill of costs to the value of 3^{li} 7^s 6^d.

Tompsons triall.

*Vppon the request of Richard Champnyes & Goulden More, & Joane, his wife, the relict of John Champnyes, deceased, for power to dispose, by way of sale, of a certayne howse & lands, left her by her sñ late husband, it is ordred, that power be hereby giuen to Richard Champnyes & John Bridge, of Cambridge, to make sale of the sñ howse & lands mentiond in theire petition, pñvided that they giue caution to the County Court of that shire to dispose of it to vse & behoofe of the woman & her children, according to the intent of John Champnyes, deceased. P Curiã.

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Champnys answer.

Edmund Yeomans, of Charlstowne, being fined fñe pounds for selling of beere without licence, vppon his request in his petition, & for reasons therein aleged, hath his fine remitted, pñvided he pay 10^s for entring of his petition. P Curiã.

Yeomans answer.

M^{ris} Elizabeth Cole, of Boston, being visited with a longe & sore sicknes, & hauing spent all her estate, & hath nothinge left to mayntayne her, vppon her desire exprest in her peñion, this Court doth order the Treasurer to pay her twenty pounds out of the country rate. P Curiã.

M^{ris} Coles answer.

In answer to the petitiõ of the inhabitants of Topsfeild, it is ordred by this Court, that from henceforth thẽ shalbe a towne, & haue power within themselues to order all ciuill affayres; as other townes haue. P Curiã.

Topsfeild answered.

Vppon the petition of Margery Osgood, of Ipswich, widdow, for an order from this Court for a greater pñportion in the estate of her late husband, deceased, then by will is giuen to her, it is ordered, that the mannaging of the whole busines concerning the estañ shalbe referd vnto M^r Samuel Symonds, Major Denison, & M^r Joh Norton, & to put an issue therevnto, keeping as neere vnto the will of the sñd Osgood as may be. P Curiã.

Margery Osgoods answer.

1650.

16 October.
Torreyes answer.

In answer to the petition of William Torrey for the graunt of an iland in the bay, called Slatt Iland, it is ordred, y^t the sd iland shalbe, & hereby is, graunted to him; in consideration whereof the petitiono^r is to enter the orders of two or three Courts not yet entred in the Deput^s booke of record, & that in one yeare now next cominge, & pfit the sd booke so far as he can, pvided the iland be not expresly graunted to any other; pvided also, that it shalbe free for any man to make vse of the sta^t. P Curiā.

Phillipps answer.

In answer to the petition of Zachary Phillipps for his pportion in the right of his wife (being the daughter of William Skipper, deceased) in her farthers estate, who dyed intestate, this Court doth order, that power of administratⁿ be graunted to M^r Cotten & M^r Cobbet for the disposing of the estate aboue mentioned. P Curiā.

Waymouths answer.

Vppon the request of the inhabitants of the towne of Way:, William Torrey is appoynted to be clerke of the writs there. P Curiā.

Vintnors committee.

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Treasurer to call in money due for excise.

There beinge a necessity of some man to be apoynted that may gather in & call vppon such as haue had licences to sell wine to make satisfaction for what is dew to the country with respect therevnto, *this Court doth therefore order, and power is hereby giuen to the p^sent Treasurer to call vppon such as are yet behind, & to recouer what is due from them; & for the time to come, further power is hereby giuen vnto M^r Richard Russell, M^r Anthony Stoddard, & M^r Frauncis Norton, or to any two of them, to be a standing committee to make composition with any of the vintners within this jurisdiction (in the behalfe of the country) that shall p^sent themselves, vntill the Court shall take further order therein. P Curiā.

P^{erson} repayed.

It is ordered by this Court & the authority hereof, that M^r Anthony Stoddard & the surueyo^r generall shalbe, & hereby are, empowered to agree & compound with any man, or men, suffyciently to amend & repayre the p^{erson}, & to doe whatsoever is requisite thereabout, and that pay^{mt} be made for what shalbe expended thereabouts, & in the effecting thereof, out of the country rate of Boston. P Curiā.

Treasurers warrent.

To the Treasurer these: This Court hath ordered, that these two Narragansett Indians p^sent should haue two coates giuen them for their paynes, which I am appoynted to signify to you, that it be forthwith done.

19 October.

Souldiers wages.

P totā Curiā. 19th, 8th, 1650. P Edward Rawson, Secre^t.

This Court, consideringe the good seruice of Cap^t Humphry Atherton, a sargent, with twenty souldiers, & two men that wayted on the horse in the expedition to the Narragansitt, judge it meete to allow the sajd cap^t for his paynes ten pounds; the sergeant, fifty shillings; the twenty men, besids theire dyet for fiteene dayes, two shillings a day a peece, which is thirty

pounds; & for the two men which attended the horse, one shilling six pence a day, which comes to forty five shillings, & all to be payd them out of the peage at six a penny. P Curiā. 1650.

19 October.

For resolution of a question ppounded to this, viz^t: whether, if seuerall men remoue from one plantation to another, such psons so remouing may challenge an intrest in the stocke of powder & other amūnition by law to be pvided in euery towne, & to haue their pportion out of the same. Resolued negatively. P Curiā. Question resolved.

This Court, findinge, vppon the returne of the comittee for the Treasurer & audito^rs acc^o, that the country is indebted to the Treasurer the sume of 38^{li} 15^s 7^d, & that there is due to the country the sume of 124^{li} 10^s 8^d, as by the p^ticulars hereafter mentioned *do* doth appeare, in considera^{co} of the good seruice of M^r Richard Russell in the place of Treasurer for about five yeares past, & some losse in goods taken for fines, & not put to account, doe order that the sd M^r Russell shall recouer & receiue to his owne pper vse the sd hundred twenty fower pounds ten shilling eight pence, *aquitinge the country of the thirty eyght pounds fiteene shillings seuen pence, viz^t, the ouerplus of y^e thirty eyght pounds fiteene shillings seuen pence, being 85^{li} 15^s 1^d. Tresurers gra-
tuity. . .

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The p^ticulars are —

By customs in seuerall hands,	04 ^{li} 10 ^s 00 ^d
By John Baker, of Ipswich,	05 00 00
By Robert Nash,	01 10 00
By Frauncis Smyth, deceased,	01 00 00
By Douer,	03 10 00
By M ^r Dunbars fine,	13 06 04
By M ^r Palsgraue, of Charlstowne,	02 00 00
By ap ^h ending Indjans,	00 12 00
By Samuel Davis & hostages,	02 04 09
By one bill from Hampton,	01 00 00
By M ^r John Winthrop, a p ^t of Docto ^r Childs fine,	40 00 00
By M ^r Sherman,	34 00 00
By Heaty,	01 16 00
By arest on Manchester,	01 15 00
By p ^t of Andoū rate	05 16 05
By Joh Hawthorne,	03 00 00
By M ^r Rucke,	01 07 00
By M ^r Lake,	02 03 02
Sum toī.	124 ^{li} 10 ^s 08 ^d

1651. **At a Generall Courte of Election, held at Boston, the 7th of the*
3^d Moth, 1651.

7 May.

[*286.]

Where was chosen

John Endecotte, Esq̃, Gouvernour.

Thomas Dudley, Esq̃, Dep^t Gouverno^r.

Asistants: Richard Bellingham, Esq̃,
 Increase Nowell, Gen^t,
 Symon Bradstreete, Gen^t,
 Samuel Symonds, Gen^t,
 William Hibbens, Gen^t,
 Thomas Flynt, Gen^t,
 Cap^t Rob^t Bridges, Gen^t,
 Frauncis Willoby, Gen^t,
 Thomas Wiggan, Gen^t,
 Edward Gibbons, Esq̃, Major Generall.

Symon Bradstreet and }
 Cap^t W^m Hawthorne, } Gen^t, Co^missionors for the colony.

Richard Bellingham, Esq̃, }
 Major Daniel Denison, } Reserue Co^missionors.

Edward Rawson, Gen^t, chosen Secretary.

Richard Russell, Gen^t, chosen Treasurer.

The names of the Deputyes of the seuerall townes: —

Salem: Cap^t W^m Hawthorne, M^r Henry Bartholomew.
 Charlstowne: M^r Richard Russell, Ralph Mowsall.
 Dorchester: M^r John Glover, Cap^t Humphry Atherton.
 Boston: Cap^t John Leuerett, M^r Thomas Clarke.
 Roxbury: John Johnson, William Parkes.
 Watertowne: M^r Richard Browne, John Sherman.
 Lin: M^r Thomas Layton.
 Cambridge: Cap^t Danyel Guggan, M^r Edward Jackson.
 Ipswitch: Major Daniel Denison, M^r John Whiple.
 Newbery: Cap^t William Gerrish.
 Waymouth: John Holbrooke.
 Hingham: Cap^t Bozoone Allen, M^r Jerimiah Howchen.
 Concord: Cap^t Symon Willard, M^r Richard Griffen.
 Dedham: Cap^t Eleazer Lusher, Henry Chickeringe.
 Salsbury: M^r Thomas Bradbury.
 Hampton: Roger Shaw.
 Rowley: Maximilian Jewet, Joseph Jewet.
 Brauntry: Cap^t W^m Tynge, Steuen Kinsley.

Sudbury: Walter Haynes.
 Gloucester: Hugh Caulkin.
 Wooburne: Cap^t Edward Johnson.
 Wenham: Esdras Reede.
 Hauerill: M^r Rob^t Clements.
 Readinge: William Cowdry.
 Springfeild: M^r Henry Smyth.
 Mauldon: M^r Joseph Hills.
 Andeuer: John Osgood.

1651.

7 May.

Cap^t Daniel Gookin chosen Speaker for the first session.

W^m Torrey chosen Clarke to the Howse of Depu^{ts} for this yeare ensuinge.

*Joseph Jewet & William Parkes were chosen Stewards for the Howse of Depu^{ts} for this session of Court. [*287.]

Edward Micheson is appoynted to attend the Howse of Depu^{ts} for this p^{re}sent session.

TO the end that all publicke charges may be æqually borne, & that some may not be eased & others burdened, & it beinge found by experience that visible estates in land, corne, cattle, are, accordinge to order, wholly & fully taxed, but the estates of marchants, in the hands of neibours, straungers, or their fact^{rs}, are not so obuious to view, but, vpon search, little of their estates doe appeare, beinge of great valew, so that the law doth not reach them by that rule of taxing visible estates, it is therfor ordred & enacted by this Court & the authority thereof, that all marchants, shopkeepers, & factors shalbe assessed by the rule of o^r common estimation, accordinge to the will & dome of the assessors in such cases appoynted, havinge regard to their stocke & estate, be it p^{re}sented to view or not, in whose hands soeuer it be, that such great estates as come yearly into the country may beare their p^{ro}portion in publicke charges, yet, if any fynd themselves ouer valued, if they can make it to appeare to the assessors, they are to be eased by them; if not, by the next County Courte. P Curiã.

Assessm^{ts} certified.
 Contradictentes: Capt.
 Leueritt, M^r
 Clarke, M^r
 Howchen, M^r
 Glouer, Hugh
 Caulkin, Capt.
 Allen, Capt.
 Hawthorne,
 Joseph Jewet,
 Maxi: Jewet,
 Capt. Gookin.

This Court, takeinge into consideratiõ the many engagm^{ts} that ly vpon vs in respect of debts due to be payd to seuerall p^{er}sons from the country, as also other necessary vnavoydable expences that are like to fall out this yeare, doe order that for those ends & purposes aboue mentioⁿ, there shalbe leuyed this yeare ensuinge one rate & a halfe, viz^t, halfe as much more as in other yeares to be lewyed, & payd in after the vsuall manner p^{ro}vided by law. P Curiã.

Country rate augmented.

Whereas it is found by experience that it is an ordynary thinge for p^{er}tyes to appeale from the sentence of inferior Courts, though they neuer intend to

Appeales certified.

1651.

7 May.

psecute the same, but to stop execution for the p̄sent, & to obtayne such termes of agreement as they desire; now, forasmuch as euery appeale doth reflect p̄judice & charge error vppon the Court appealed from, vnder which it lyes till the case be heard & determined by the Court appealed to, it is therefore hereby ordred, that whosoever shall, after the nynth of July next, appeale from the sentence of any Courte, & not psecute the same to effect accordinge to law, shall, besides his bond to the p̄ty, forfeit to the country the sume of forty shillings for euery such neglect. P Curiā.

Associats.

The order made the last yeare about associates respectinge the two countyes of Suffolke & Middlesex is hereby ordred to cease & to be of no vse vntill *the next session of this Court, any law, custome, or vseage to the contrary, in any wise, notwithstandinge, & that such as haue taken their oathes are declared hereby to be freed therefrom.

[*288.]

Inheritances
past away, or
der respecting.

Whereas, in suits of law, many times, such as doe psecute the same in their owne names, in p̄cureinge the proces, intend & doe declare in the name & in the behalfe of others, viz^t, as executo^{rs}, administrato^{rs}, assignes, attorneyes, guardians, agents, or the like, which is not only improper, but tendeth also to vncertaynty, for p̄vention whereof the Courte ordreth that, from henceforth, the originall p̄cesse, whether summons or attachm^{ts}, shall expresse in whose name the playntife sueth, whether in his owne name or as executo^r of the last will & testament of such a man, or administrato^r of the goods & chattles of such a man, who dyed intestate, or assignee, attorney, or guardian of such a man, or as agent of such a man, marchant, or the like, or otherwise; if exception be taken before the playntife hath made his declaration, it shalbe good, & he shalbe lyable to pay costs; and whereas, through the vnskilfullnes of some that make deeds & conveyances of lands & howses, the word heire is oftentimes omitted when an estate of inheritance is intended to be passed by the p̄tyes, wherevppon quæstiones & suits of law are apt to arise, for p̄vention whereof, for the time to come, this Court ordreth that, in all deeds & conveyances of howses & lands in this jurisdiction, wherein an estate of inheritance is to passe, it shalbe expressed in these words, or to the like effect, viz^t: to haue and to hold the s̄d howse or lands respectiuely to the p̄ty or grauntee, his heires & assignes, for euer; or, if it be an estate intayld, then to haue & to hold, &c, to the p̄ty or grauntee, & to the heires of his body lawfully begotten, or to the heires male of his body lawfully begotten betwene him & such a one his wife; or to haue & to hold to the grauntee for terme of life, or for so many yeares; p̄vided, that this law shall not include former deeds or conveyances, but to leaue them in the same condition they were in, or shalbe in, before this law taketh effect, which shalbe at the end of the next session of this Courte;

provided also, y^t this law shall not extend to any howses or lands givē by will or testam^t, or to any land graunted, or to be graunted, by the freemen of a towne; & this law being of concernment to be vnderstood of euery man, there shalbe speciall care for the publicacō thereof, & to that end it shallbe distinctly read by the constable of each towne, in their next towne meetinge, after the end of the fift moth next; also, a copie thereof shalbe set vppon the dore of their meeting howse, to contynue foorteene dayes, and the graund jury shall inquire & p^sent such as shall neglect the publicatiō thereof accordinge to this order. P Curiam.

1651.

7 May.

*For p^rventinge the deceit of any pson in the packing of fish, beefe, & porke, to be put to sale in this & other jurisdictions, it is therefore ordred by this Court & the authority thereof, that in euery towne wthin this jurisdiction where any such goods are packt vp for sale, the gager of that towne, or of the towne wherein it is put to sale or shipt, shall see y^t it be well & orderly p^rformed; (that is to say,) beefe & porke the whole halfe or quarter together, & so p^rportionably, that the best be not left out, and for fish that they be packt all of one kinde, & that all caske so packt be full, sound, & well seasoned, settinge his seale on all caske so packt, for which he shall receiue fower shillings p tunne; but if the gager doe only view them, & find them good & suffycient, he shall set his seale vppon them, & haue one shillinge p tunne for so doinge. And if such goods so packt shalbe put to sale packt vp in caske without the gagers marke, he shall forfeit the s^d goods so put to sale, the one halfe to the informer, the other halfe to the country treasury. And whereas, notwthstandinge the former law p^rvided, (title Caske & Coops, pag. 6,) much damage is still sustayned by m^rchants & men of trade through the insufficiency & vndue assize of caske, it is therefore further ordred by the authority of this Courte, that wheresoeuer any new caske are found put to sale, beinge defectiue either in workmanshippe, timber, or assize, as in that law is p^rvided, vppon due proffe before one magistrate, the s^d caske shalbe forfeited to the informer, & the workman for his default shall pay ten shillings p tunne forthwith to the vse of the country, & so p^rportionably for all greater or lesser caske; & because there may be no neglect in the choyce of a gager to p^rvent the abuses exprest in this or any other law, it is further ordred by the authority affores^d, that euery towne within this jurisdiction, wherein any caske are made, shall yearly make choyce of one fit man for that worke & employment, who, being p^sented by the constable, wthin one weeke after the choyce made, before any one magistrate, shall there take the oath belongin to his place, which if he shall refuse, he shall pay the some of forty shillings, & another to be chosen in his roome; as also the towne or constable shall either

[*289.]
Packinge of
goods.Beef and pork
put up.Inspectors
fees.

1651.

7 May.

[*290.]

Dauncinge
phibited.

of them suffer the like pœnalty for the neglect of this order, any other law, custome, or vseage to y^e contrary in any wise notwithstanding. P Curiam.

*Whereas it is obserued that there are many abuses & disorders by dauncinge in ordinaryes, whether mixt or vnmixt, vpon mariage of some psons, this Court doth order, that hence forward there shalbe no dauncinge vppon such occasion, or at other times, in ordinaryes, vppon the paine of fiue shillings for euery pson that shall so daunce in ordinarys. P Curiam.

Castle col-
oures.

Forasmuch as this Courte conceiues the old English colours now vsed by the Pliament of England to be a necessary badge of distinction betwext the English & other nations in all places of the world, till the state of England shall alter the same, which we much desire, we being of the same nation, hath therfore ordred, that the cap^t of the Castle shall p^sently aduance the affore^sd colours of England vppon the Castle vppon all necessary occasions.

Change of
Court dayes.
Essex county.

Whereas the County Courte of Essex vsually beinge kept at Salem on the last third day in euery December litherto, which by experience hath ben found to troublesome & dangerous for the magistrats & country to attend in regard of the season, it is now ordred, that the County Court in Essex, for the winter Court, shall henceforth be yearly kept on the last third day in November. P Curia.

22 May.

Trade phibited
with Barba-
does, Virginia,
Bermudas, &
Antigua.

Whereas this Courte hath taken notice of an act of the Pliament of England, bearinge date October 3^d, 1650; phibitinge trade with Barbados, Virginia, Bermudas, and Antego, it is therefore ordred by this Court & authority thereof, that after publication hereof, no cap^t, co^maunder, master of shippe, or other vessell sayling from any port or harbour within this jurisdiction, shall trade with any the ^sd phibited places of Barbados, Virginia, Bermudas, or Antego, on pœnalty of forfeiture of shippe & goods vnto this common wealth vppon legall proffe & conviction thereof, this order to be p^sently published by p^eclamation & postinge vpp in Boston, Charlstowne, & Salem, & to be of force vntill the complyanace of the affore^sd places of Barbados, Virginia, Bermudas, & Antego with the common wealth of England, or that this Court take further order therein. P Curiam.

Commissioners
allowance to
have any neces-
sary supplies.

To the end o^r co^missiono^rs for the Vnited Colonyes may be conveniently supplied with horses, attendants, & all other things necessary at such times as they shall have occasion of travill vnto Plymouth, Conecticott, & Newhauen, and that troopers may not be discouraged from y^t so behooffull & beneficiall service, it is ordred by this Court & the authority thereof, that henceforth o^r co^missiono^rs for the Vnited Colonyes shall p^rvide & furnish themselves in all respects whatsoever, viz^t, of horse, furniture, attendants, & all other thinges to their owne satisfaction for travill & expenses affore^sd, for which

they shall be allowed annually by the country twenty pounds to each comissioner, viz^t, forty pounds a yeare, for all their expences, time, & travill in & accompanyinge such their service afforesd, & the late order now at the presse for the impressinge of troopers horses is hereby repealed. P Curiā.

1651.

22 May.

*For explanation of some words in the printed law intituled Leather, viz^t, in that section in the margent intituled Searchers sworne—theire Duty, by the words (line 4th) to make search & view within the p̄cincts of their limits, the Court doth vnderstand & intend any house, shoppe, or ware howse, or any other place where they conceiue leather illegally deliuered is like to be found, whether wrought into shooes, bootes, or otherwise. Further, concerninge those words in the section on y^e margent entytuled Welt, tanned & dried, Pœnalty, (line the fift,) so much of his or their s̄d leather, &c, the Court doth declare themselues to intend that whole hyde, halfe hide, or other peece or peeces of lether which are or wherein is one sixteenth p̄t insufficyently wrought. Further, concerninge the last words in y^e section, intytuled Tryers of Leather seized, viz^t, except the p̄ty shall before submit to their judgm^{ts}, the Court determines to be ment the submission to the judgments of the searchers before the fower or six men be called. Further, the Court doth declare that the searchers of leather, legally chosen & sworne as the s̄d law doth expresse, not only may execute their office, but by their oathes & duty are bound therevnto. And it is also hereby p̄vided, that neither searchers, sealer's, nor tanners shall cut or mangle leather in or vppon the searchinge thereof more then is necessary.

[*291.]

Law explynd.
Law formerly
made on leather
explained.

Whereas M^r Eliott vndertooke to p̄cure to the country ten shillings from an Indjan for his beinge drunke, which Indian since is dead, the Court therefore thinkes meete to release M^r Eliott from his engagm^t.

Answ: to M^r
Eliots request.

In answer to the petition of the executo^{rs} of M^r Thō Sheapheard, late of Cambridge, for the confirmation of a deed bearinge date the twenty-eighth of the eleuenth last past, wherein is conveyed to M^r Jonathan Michell, now husband of Margrett, the relict of the s̄d M^r Sheapheard, a dwellinge howse, yards, orchards, & seuen acors of land adjoyninge therevnto, in behalfe of his s̄d wife, as also for power to sell a p̄cell of land called Jones his Hill, the Courte thinkes meete to graunt their request so as they giue securty to the next County Court at Cambridge for the educatinge of the children, & payinge them their portions at the time when they shall atayne to their ages, as the will p̄vids. P Curiā.

Answ: to M^r
Sheaph: execu-
tors.

Captayne Willard & Leiut Goodenow are appoynted to lay out the thow-sand acors of land at Isabæth, which Jethrow the Indian morgaged to Hermon Garret, which land by this Court is graunted to Watertowne to purchase

Garrets
answer.

1651. of Hermon Garret; & in case the towne afore^sd *refuse it, then Joh Sherman hath the like grant, p^rvided it be done within one moneth, in which time if they doe not purchase it, then the land to be graunted to Hermon Garret, according to his desire in his petition. P Curiā.

Clarke of writs
for Boston.

Its ordred, that the towne of Boston shall haue lib^tie to choose a new clarke of the writts, & p^rsent him to the County Court after the next session of this Court, at Boston, for confirmation. P Curiā.

Answ: to M^r
Parker, &c.
M^{rs} Winthrop
to have 8 p^r
cent.

In answer to the petition of Richard Parker & James Pen, its ordred, that the Treasurer shall pay M^{rs} Winthrop after eight pound p cent. for the two hundred pounds giuen to the youngest child of Joh Winthrop, Esq^r, for the time past, & till the country shall pay it in. P Curiā.

Gayners an-
swer.

In answer to the petition of Thomas Gayner, its ordred, that M^r Aspinwall & M^r Bendall shall giue in their accountts & shew the grounds of their actings in sale of the shippe Planter, vpon their oathes to the County Court, that is now on adjournment. P Curiā.

Gayners an-
swer.

In answer to another petition of Thomas Gayner, for the makinge good of his charter p^t, it is ordred, that the s^d charter p^t, formerly cancelled, shalbe accompted good in law, so farre forth as the petitiono^r, by vertue thereof, may review his action agaynst M^r Vallentine Hill, & Cap^t W^m Tynge. P Curiā.

Cap^t Haw-
thornes gratui-
tie.

This Court, consideringe the good service of Cap^t W^m Hathorne vnto this country in sundry respects, thinke meete, in answer to his petition, to graunt vnto him fower hundred acors of land, adjoyninge or neere vnto M^r Downinges 600 acors of land, betweene Hampton & the riuers mouth of Pascataq, to be layd out at the charge of the s^d Cap^t Hawthorne, by M^r W^m Howard, of Topsfeild, & Roger Shaw, of Hampton, p^rvided it frustrat not any former graunt, nor p^rjudice any townshippe or village that may be erected. P Curiā.

Answ: to El-
bridge.

In answer to the petition of M^r Thomas Elbridge, for the hearinge of a case dependinge betweene himselfe & the administrato^{rs} of M^r Rob^t Saltingstall, deceased, it is declared, that the petitiono^r hath lib^ty to bringe his action of reveiw agaynst the administrato^{rs} of M^r Rob^t Saltingstall, as in other cases.

It is ordred by this Court, that M^r Samuel Symons & M^r Thomas Wigan shall haue power, & are hereby desired, to keepe the County Courts of Norfolke for this yeare ensuinge. P Curiam.

Gouernors gra-
tuitie.

This Courte doth with all thankfullnes acknowledge the good service of Thomas Dudley, Esq^r, o^r late honourd Go^vno^r, in respect of his great care & faythfullnes in the discharge of that trust which was *committed vnto him, & doe, in the behalfe of the country, render him hartly thanks for the same, and desire his kinde acceptance of one hundred markes as a slender manifestation

[*293.]

of or due respects vnto him, vntill we shalbe better enabled to declare the same, which we order shalbe payd him by the Treasurer out of the next country leuy. P Curiā.

1651.

22 May.

Whereas M^r Richard Leader, an inhabitant in this common wealth, hath ben acused, that, contrary to the law of God & the lawes here established, he hath threatned, & in a high degree reproached & slaundred, the Courts, magistrats, & gouernment of this common weale, & defamed the towne & church of Lin, also affronted & reproached the constable in the execution of his office, all which the Court hauinge heard, together with evidences prouinge the same, doe judge, for punishment of his great offence, that he shall make aknowledgment of his offence vnto the Court before the breakinge vp hereof, when this Court shall appoynt, & also giue sufficyent security for his good abearinge hereafter, & be fined the sume of fifty pounds, to be payd before the next session of this Court, towards y^e defrayinge of the charge expended by the country in hearinge the case; but in case M^r Leaders acknowledgment doth not answer the expectation of the Court in way of satisfaction for his offence, that then this Court doth order, that M^r Leader shall pay to the publicke treasury, as a fine for his offences, the some of two hundred pounds, to be payd before the next session of this Courte. P Curiā.

M^r Leaders
sentence.

And further, it is ordred by this Courte, that whatsoever fine hath ben imposed vppon M^r Richard Leader by this Court, for his miscariages, shalbe secured by band or otherwise, & in the meane time that his pson be responsall for the fine. P Curiā.

His fine se-
cured.

Whereas there is certayne testimonyes in writinge exhibited agaynst me to the Generall Court, acuseinge me for speakinge evill agaynst the gouernment, magistrats, & churches of this colony, as by the s^d testimonyes in writinge may more largely appeare, I doe acknowledge & confesse that in case I should be at any time left to speake these words, I should not only haue broken the rules of Christianyty, but of morallity & civillity, deseruinge to be condemned justly of all Christians & just, ciuill, honest men, for which I should condemne my selfe, beinge these thinges that in my judgm^t & practise I hate, & doe detest, & abhorre, leauinge what I now say, together with what is testified agaynst me, to the righteous Judge of heaven & earth, which in his due time will manyfest the truth, & aquite the innocent, & reward the guilty according theire deserts; *but the thinges beinge testified by two wittnesses, the Court had cause to pceed agaynst me.

His acknowl-
edgment.

[*294.]

May 22th, 1651.

RICH: LEADER.

1651.

22 May.
Courts accept-
ance.

This acknowledgment of Mr Leaders the Court did accept of, pvided he be still liable to pay the fifty pounds imposed vpon him in his sensure, & be of good behavior, as is there exprest, & that it be left wholly to the wisdom of or honor^d Magis^{ts} to take what band they thinke fitt of Mr Leader respectinge those thinges before mentiond. P Curiā.

Meadfeilds
power.

There beinge a towne lately erected beyond Dedham, in the county of Suffolke, vpon Charles Riuer, called by the name of Meadfeild, vpon theire request, made to this Generall Court, this Court hath graunted them all the power & priuiledges which other townes doe enjoy, according to law. P Curiā.

A l^re to Mr
Williams.

Mr Williams:

Our Generall Court havinge intelligence (if it be as we haue heard) that yo^r selfe, as an instrument from Pvidence, or the sargeant thereof, by vertue of power from them, haue not only demaunded a rate of twelue pounds & ten shillings from W^m Arnold, Rob^t Cole, W^m Carpenter, & the rest of those vnder or jurisdiction at Showamett, but haue also threatned to come suddenly & distrayne on them, on non payment thereof, on theire goods to that value, & a resolution to cary the s^d goods away, (if it be as we are informed,) I am required therefore, by or Generall Court, to signify vnto you, that if yo^r selfe, or the sargeant, or other officer of Pvidence, shall pceede to molest those y^t are vnder or gouernment affores^d, or take away ought from them, or any of them, by rates or otherwise, this Court intends to seeke satisfaction for the same of such, & in such manner as God shall put into theire hands.

E: R.: S.

Mr Ropers an-
swer.

In answer to the petition of Mr Henry Roper for redresse of some injury offred him by Mr Thomas Browne, its ordred by this Court, that he shall haue libertay to take his course in law agaynst the s^d Browne at the next County Court, held at Boston, if he will.

Hawkins an-
swer.

In answer to the petition of James, Jobe & Thomas Hawkins for the returne for theire mother to liue in this jurisdiction, the Courte, not knowinge how to satisfy themselues about this woman, cannot giue way to her cominge into this jurisdiction. P Curiā.

Mr Cutts an-
swer.

In answer to the petition of John Cuts for the issuinge of a case dependinge betweene Sampson Lane & himselfe, concerninge fower & twenty pipes of wine, this Court doth order, that the hearinge & determineinge of the case shalbe referd to the next County Court held at Boston. P Curiā.

Hawthornes
answer.

In answer to the petition of John Hawthorne for releife in respect

of some opposition from the towne of Maldon, *this Courte, havinge appoynted a comitte to examine the case vpon theire returne, doe order, that the ſd John Hawthorne should haue liberty & all due encouragm^t to keepe an ordynary at Maldon. 1651.
 22 May.
 [*295.]

Whereas, in the yeare 1644, there were lent by this Court two great guns vnto the owners of Mr Bridcakes shippe, which, vpon a just value, appears to be worth thirteene pounds, which ſd guns haue not hitherto ben returned, nor any thinge allowed in consideration thereof, this Court doth therefore order, that the owners of the ſd shipp, viz., Cap^t William Tyng, Cap^t Rob^t Keayne, & John Milam, them or either of them, shall stand oblidge^d to pay vnto the surveyor generall or to Mr James Oliuer the sume of fiftene £ 15. pounds, within fourteene dayes after the date hereof, in iron or otherwise, to them & either of theire satisfaction, for the vse & behoofe of the country. P Curiā.

Vpon the request of the towne of Hingham, by theire deputy, this Courte thinkes meete to confirme & allow Mr Bozoone Allen to be theire captayne, & Mr Joshua Hubbard to be lieutenant to theire company. P Curiā.

In answer to the petition of the inhabitants of Newbery, Mr William Gerish is appoynted & confirmed to be theire captayne, & John Pike for theire lieutenant; & it is hereby ordred, that in regard the choyce of there ensigne was not cleare, that they should goe to a new election when they see meete.

Samuel Hosier, Charles Chattocke, Isaake Mixell, & Edward Dix, of Watertowne, being fined fower pounds at Cambridge Court for want of a towne bushell, vpon theire requests haue theire fine remitted.

Mary Parsons, of Springfeild, having two bills of inditement framed agaynst her, the one for havinge familiarity with the devill as a witch, to which she pleaded not guilty, & not suffycient euidence appearing to proue the same, she was aquited of witchcraft.

The second inditement was for wilfully & most wickedly murderinge her owne child, to which shee pleaded guilty, confest the fact, &, accordinge to her deserts, was condemned to dy. P Curiā.

Accordinge to the Courts advise, I haue conferred wth the Reuerend Mr Cotton, Mr Norrice, & Mr Norton about some poynts of the greatest consequence in my booke, & I hope I haue so explyained my meaninge to them as to take off the worst construction; & it hath pleased God to let me see that I haue not spoken in my booke so fully of the price & merri^t of Christ sufferings as I should haue done, for in my booke I call them but trialles of his

Gunns to be
required of
Capt. Tyng &
others.

Answer to
Hingham.

Newberys an-
swer.

Watertowne
fine remitted.

Witches triall.
Mary Parsons
witchcraft &
murder.

Mr Pinchons
retraction.

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22 May.

[*296.]

obedience, yet intendinge thereby to amplyfy & exalt the mediatoriall obedyence of Christ as the only meritorious price of mans redemption ; but now at p̄sent I am much inclined to thinke that his sufferinges were appoynted by God for a further end, *namely, as the due punishment of oʳ sins by way of satisfactiō to diuine justice for mans redemption.

Yoʳ humble seruant, in all dutyfull respects,

WILLIAM PINCHON.

Courts accep-
tatiō.

The Courte, findinge, by this writinge of Mʳ Pinchons, that through the blessinge of God on the paynes of the reuerend elders to convince him of the errors in his booke, conceiue that he is in a hopefull way to giue good satisfaction, & therefore, at his request, thinke meete to graunt him liberty, respectinge the p̄sent troubles of his famyly, to returne home some day the next weeke, if that he please, & that he shall haue Mʳ Nortons answer to his booke with him to consider thereof, that so, at the next session of this Courte in October next, he may giue all due satisfaction, to which session he is hereby enioyned to make his psonall appearance for that end.

Mʳ Smyths
com̄ission.

Forasmuch as there is a p̄sent necessity that some care be taken respectinge the case of Springfield, they beinge at p̄sente destitute of any magistrate or others to put issue to such cases & diffrences as shall or may arise amongst themselues, vpon their request, its ordred by this Courte & the authority thereof, that Mʳ Henry Smyth, of Springfield, aforeſd, for this yeare ensuinge, or till the Courte shall take farther order, shall hereby haue full power & authority to gouerne the inhabitants of Springfield, & to heare & determine all cases & offences, both ciuill & criminall, that reach not life, limbe, or banishment, accordinge to the lawes here established ; p̄vided, that in matters of weyght or difficulty, it shall be lawfull for any party to appeale to the Court of Assistants at Boston, so as they p̄secute the same according to the order of this Court ; p̄vided also, that their trialls be by the oathes of six men, if twelue cannot be had for that seruice ; as also power is hereby giuen to the ſd Mʳ Smyth to giues oathes to such constable or constables as shalbe chosen legally, & to examine wittnesses on oath giuen him suteable to his place.

Mʳ Smyths dis-
mission.

Mʳ Henry Smyth, of Springfield, beinge a member of this Courte, vpon his request, hauing vrgent occasions to returne home, is dismiss for this session of Court.

Mʳ Downings
graunte.

Whereas it appeares by the records of this Court, num̄b 436, that six hundred acors of land was graunted to Mʳ Emanuel Downinge, which he affirmes was in consideration of fifty pounds by him disbursed in England, in

answer to his petition, it is ordred, that the ſd six hundred acors of land shalbe layd out to him by Mr William Howard, of Topsfeild, & Roger Shaw, of Hampton, betweene Hampton & the riuers mouth of Pascataque, at the charge of the ſd Mr Downinge, pvided the ſd land specified herein be not formerly graunted, & that it be not pjudiciall to any plantation, towne, or village that may hereafter be erected.

1651.

22 May.

In answer to the petition of Thomas Makepeace, for power to sell & dispose of a certayne howse & land, at Brauntry, left by Oliuer Mellowes to his six children when he dyed, it is ordred, that his request should *graunted, & that such of the children as are of age may haue their portions out of it, & such as desire it should remayne in their eldest brothers hand may also haue their requests graunted, pvided the ſd Thō Makepeace & John Mellowes giue security to the next County Court for the discharge of the childrens portions accordingly.

Makepeace answer.

[*297.]

In answer to the petition of Mr Samuel Oliuer, for the sune of eyght pounds foorteene shillings for time & expences about the cureinge Elizabeth Cole, it is ordred, that in respect the gentlewoman was in so lowe a condition as her estate would not reach so far as to mayntayne her selfe food, much lesse to satisfy for her cure, which was endeoured by the *the* petitiono^r, that the petition should be graunted, & that the ſd sune of eight pounds foorteene shillings be allowed him out of the next country levy.

Mr Oliuers answer.

Its ordred by this Court, that Mr Samuel Winslow, Mr W^m Payne, Mr Samuel Hall, & Mr Thomas Bradbury shalbe commissiono^{rs}, or any three of them, to lay out the northermost line of Hampton toward Pascataq River.

Hampton bounds.

This Court, vppon good information, vnderstand that the captayne of the Castle, at his owne charge, purchast for the seruice of the Castle six murtherers, two boats, & a drum, which are to be inventoried with the surveyo^r generall; as also hath repayred some cariages, & more is to be done in respect of hutts, to the valew of twenty pounds, or thereabouts, all which should haue ben done & mayntayned at the charg of the country, & be left in good repayre at the end of the ten yeares agreed vppon by the townes; now, in considera^{co} of the charge aboue mentioned layd out & to be layd out by the ſd captayne of the Castle, its ordred by this Court, that the ſd captayne shall haue allowed him that thirty pounds a yeare which hath ben reserued out of the hundred & fifty pound a yeare allowed when the garison was supplied with more men, pvided that the ſd captayne mayntayne & keepe in good repayre those things aboue mentioned at his owne prop costs & charges vntill the expiration of the ſd ten yeares, when he shall

Allowance to the Castle.

1651.

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redeliuer the same to whom the country shall appoynt; & this to begin from the eighth of the eighth moneth, 1648, & so to contynue till the Court take further order therein.

Treasurers gratuitie.

Whereas, by the Courts encouragm^t, the Treasurer purchased the last printed law bookes, & by reason of the Courts alteration of some thinges in those bookes made them vnvendible, in so much as he lost aboue ten pounds, besides what was burned, in consideration of which losses, its ordred, that he should haue allowed him twenty pounds out of the next country rate.

Charlstownes gratuity.

Whereas there was due to the country from the inhabitants of Charlstowne, which had theire howses lately burnt, the sume of seuen pounds, sixteene shillings, or thereabouts, for theire country rate, this Court, in consideration *of theire great losse, doe order, that the foreſd sume of seuen pounds sixteene shillings shalbe remitted to them.

[*298.]

Mary Longe answer.

In answer to the petitiō of Mary Longe, of Dorchester, for liberty to marry, this Court declares, there can come no damage to any magistrate, or any other pson authorized, that shall marry the petitiono^r, p^rvided she be published accordinge to law.

Armitages answer.

Joseph Armitag p^rferinge a petition to this Court, for the abatment of a fine of fūe pounds, imposed vpon him by Salem Court, which the Court sees no cause to remit, nor any p^t thereof.

Heydons answer.

In answer to the petition of John Heydon, of Brantry, for releife in respect of his distracted child, as also some losse latly befalne him, this Courte doth order, that the ſd John Heydon shall haue from the country, towards the charges of keepinge the child, fūe pounds p^r añum, to be payd out of theire owne towne leuy, & the towne to beare the rest of the charge till the Courte se cause to withdraw theire benevolence.

Carters answer.

In answer to the petition of Richard Carter, for releife in respect of injury done him by M^r Charles Sanders, who caryed away his wife from him to England without his consent, its ordred, that the ſd Saunders be sent for to giue answer for his so p^rceeding, & that the petitioner shall haue his case tried at the next adjournm^t of the County Courte.

Prison to be repayrd.

In answer to the petition of George Munnings, for the repayreation of the prison howse, & what is necessary thereabouts, its ordred, that Cap^t Johⁿ Leuerett, M^r Thomas Clarke, Cap^t Edward Johnson, & Ralph Mousall, or any three of them, shalbe commissiono^{rs} to p^rcure the same effectually & suffyciently to be done. And whereas Cap^t Leuerett, M^r Thomas Clarke, & the Treasurer haue engaged themselues to disburse so much pay as shall accomplish the ſd worke, its further ordred, that, in consideration thereof, they shall receiue out of the publicke treasury so much as they shall disburse

before hand out of the next country rate, with two shillings a pound allowance, pvided the worke be done before the next session of this Court.

1651.

John Oatis, of Hingham, pferd a petition for the abatment or remission of a fine imposed vppon him at a Court at Boston, for his resistance of the constable, which the Court thinkes meete he should pay.

22 May.
Answer to Oatis.

Elias Parkman pferinge a petition for releife in respect of an atatchm^t layd vppon two pipes of wine of his owne by Alexander Monrow, for a debt owinge to him from John Stephens, of Virginia, the sd Stephens havinge some estate in his hands, which wines beinge sold for eight pounds lesse then they cost the petitioner, is referd to a course of law for the redresse of his wronge.

Parkmans answer.

In answer to the petition of William Phillips, for some allowance in respect of forbearance of what is due to him from the country, its ordred, that whatsoever is due to him from the country shall be payd him out of the next country rate, which the Court thinkes may be a satisfactory answer to his petition.

Answ: to Mr Phillips.

In answer to the request of the inhabitants of Haverill, for a new committee to be appoynted to lay out their bounds, Mr Duñer & Mr Carlton, who were formerly appoynted thereto, beinge now in England, the Court, in their steede, doth appoynt Joseph Jewet, John Halsten, Robert Halsten, & William Wilds, or any two of them, pvided Joseph Jewet be one, to lay out their bounds, accordinge to the Courts graunt, before the next session of this Court, & to make returne thereof to the Court.

Haverill bounds.
[*299.]

George Indian, complayninge of land wrongfully detaynd from him on Misticke side, is referd to bringe his action agaynst any that withhold it, in some inferior Court.

Indyans answer.

Its ordred by this Court that there shalbe a day of humiliation throughout this jurisdiction, both in respect of o'selves, & England, Scotland, & Ireland, the 18th day of June.

Day of humiliation.

The agreement of vs, the psons whose names are vnderwritten, beinge deputed, authorized, & betrusted by the townes of Watertowne & Sudbury for the settlinge of the devision line betwixt the sd townes, as followes, viz: doe consent & conclude that the line which was formerly by M^r John Oliver drawne in that place, & the same markes reused, about three yeares since, in the psence of some of each of the townes afforeſd, commonly called the old line betwixt Watertowne & Sudbury, that the same line shall for euer stand & be accounted the true partition line & bounds, devidinge & limittinge the extent of the lands of both the townes afforeſd, which sd line is described as followes: it begins at the southward p^t of Concord bounds, runs thence through

Watertowne & Sudbury bounds.

1654.

22 May.

a great pine swampe, & one small peece of meadow, & so to the vpland, & then to an angle betwixt two hills, where a trench is digged, the highest part of the sd hill being eastward, from which angle the line runs away south about half a poynt westerly, which line, from the beginnunge next Concord bounds to the angle aforeſd, is about nynty six rod, & this southerly line, that runs from the angle aforeſd vppon a ſtraight line, as it is now marked, havinge theſe remarkable places therein: one rocke called Grouts Head, & a ſtake by the cartway leading from Sudbury to Watertowne, & ſo to a pyne hill, being ſhort of a pond about eighty eight rod, at which pyne hill Sudbury bounds ended. Wittneſ or hands herevnto ſubſcribed, each of vs in the behalf of the townes entrusting ſeuerally.

JOHN SHERMAN,

In the behalf of Watertowne.

WALTER HAYNES,

EDMUND RICE,

EDMUND GOODENOW,

THOMAS NOYES,

JOHN GROUT,

JOHN RUDDOCKE, &

HUGH GRIFFIN,

In the behalfe of Sudbury.

Comiſſioners
to ſettle
bounds

[*300.]

We, whoſe are herevnto ſubſcribed, beinge, by order of the Generall Court dated the 8th moth, 1650, deputed & authorized to ſettle the bounds betweene Watertowne & Sudbury, doe hereby declare that, vppon the measuringe of the middle line of Watertowne bounds, from the meetinge howſe to the length of eight *miles, beinge pformed by Lieutenant Joshua Fiſher, beinge by the Courte aforeſd appoynted therevnto, as alſo vppon ſeuerall other conſiderations, doe judge that the line before expreſſed & deſcribed in the couenant & agreement betwixt the pſons of both the aforeſd townes, who haue ſubſcribed theire names therevnto, is layd out accordinge to the graunts formerly made to Watertowne, and doe therefore, for or p̄ts, & accordinge to the truſt to vs committed, ſettle & determine the sd line to be the true line of partition betwixt the sd bounds of the sd townes, in all reſpects, accordinge as is in theire agreement expreſſed, & doe fully conceiue with them therein, as aforeſd, to be a finall end to all differences in or concerninge the line aforeſd for euer.

SYMON WILLARD,

ELEAZER LUSHER,

EDWARD JACKSON.

The Courte approues of the returne of these commission^{ers} concerninge the bounds of the seuerall townes herein mentioned, & doe order that it shalbe recorded in the Court records at large.

Dated 10th of the 2^d moth, 1651.

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22 May.
Courts appro-
bation

Its ordred by this Court, that Watertowne shall haue two thowsand accors of land layd out neere Assabeth Riuer, joyninge to the bounds of Sudbury, in respect of such lands as was wantinge to them, which was graunted them formerly by this Court, to be the bounds of theire towne, & that Cap^t Willard & Leiut Goodenow are appoynted to se this done & pformed, & to make returne thereof to this Court at theire next session, pvided it be not pjudiciall to any former graunts.

Watertowns
graunte.

The bounds betweene Watertowne & Concord is by those two townes afore^sd acknowledged to be that which was layd out by M^r John Oliuer, & the rest appoynted for that purpose, and the fore^sd two townes aknowledge themselues to be justly satisfied in that respect, which they desire may be entred vppon record.

Watertowne &
Concord
bounds.

Cutchamakin, vppon his request, hath libtie graunted to buy 3 pound of shott, pvided he leaues a copie of this order where he buyes his shott.

Answer to
Cutchamikin.

Its ordred by this Court that Hugh Calkin, the deputy for the towne of Glo^{ce}, in regard of his remoueall out of this jurisdiction, vppon his request shall be dismist from the service of this Courte, pvided y^t the towne make choyce of another, accordinge to law, to supply his roome.

Caulkins dis-
mission.

At the request of William Heath, of Roxbury, beinge aboue sixty yeares of age, this Court thinkes meete he should be exempted from all traynings.

W^m Heaths ex-
emption.

Christopher Collins, appealing from Salem Court *to the Court of As- sistants, bound himself in a bond of ten pound to psecute to effect, which he fayling to doe is lyable to pay the forfeiture to the country, yet vppon his request hath the forfeiture abated to fower pounds, he beinge releast from the sentence of Salem Court by his appeale.

[*301.]

Answer to Col-
lins.

Itts ordred by this Court, that Captayne William Tynge shalbe allowed twenty shillings for wood spent by the deputies in the yeare -44, out of that which is due to the country from him for two guns.

Capt. Tyngs
20^s.

Whereas this Court did in the yeare 1646 giue encourag^{mt} for an assem- bly of the messengers of the churches in a synode holden at Cambridge, & did desire theire counsell & helpe for the drawinge vp a confession of the fayth & discipline of o^r churches accordinge to the word of God, this Court doth account it selfe obliged to acknowledge the pious zeale & labours of the s^d assembly in that worke, which doth appeare by that draught of discipline

Booke of Disci-
pline to be co-
rected.
Contradicen-
tes: Capt. Leu-
eritt, Mr.
Thomas
Clarke, Mr.
Jerimiah How-
chen.

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presented to the last Generall Court for their approbation & allowance, & by them commended to the consideration of the severall churches in this jurisdiction, many of whom were pleased to present to the last session of the last Court, by the deputies of the severall townes, severall objections against the said confession of discipline, or severall particulars therein, whereupon the Court judged it convenient & conducing to peace to forbear to give their approbation thereto, unless such objections as were presented were cleared & removed; for which purpose this Court doth order the secretary to draw up y^e said objections, or the principall of them, & to deliver the same to the Reverend Mr Cotten within one moneth, to be communicated to the elders of the severall churches, who are desired to meete & clear the said doubts, or any other that may be imparted to them by any other person concerning the said draught of discipline, & to returne their advice & helpe herein to the next session of this Generall Court, which will alwayes be zealous according to their duty to give their testimony to every truth of Jesus Christ, though they cannot see light to impose any formes as necessary to be observed by the churches as a binding rule.

Hingham &
Scituate line.

There beinge a difference betweene the inhabitants of Hingham & of Scituate about sixty acres of meddow on the other side of Conchassett River, the said inhabitants of Hingham complaininge of their grievance to this Court, & desiringe redresse, the Court thinkes meete to referre the consideration of the matter to the commissioners of the colonies, to whom it properly appertaynes to put issue thereto.

Mr Winslowes
answer.

[*302.]

Mr Samuel Winslow, of Salisbury, commencing a sute ag^t Mr Samuel Hall, & havinge a verdict past agaynst him at Hampton Court, did appeale to the Court of Assistants, & gave bond to psecute, but fayled thereof, & forfeited his bond, & now p^rfers a petition to this Court for the remittinge of the bond; for answer whereunto, this Court conceives the forfeiture of the bond p^rpy belongs to the party, viz^t, Mr Samuel Hall, & doe order, that the petitiono^r should pay, as a fine to the country for his non appearance at the last Quarter Court to psecute his apeale, the sume of twenty shillings.

Major Gen:
comission enlarged.

Whereas the major generall having no power by his comission to issue forth his warrents for the generall trayninge of his regiment (without the consent of the counsell of common wealth) when he shall see good, which is no more then any one major of a regiment hath, this Court doth therefore order, that the major generall shall have power in the comission to be given to him to call his owne regiment once a yeare, if he see cause to trayne them, without the consent of the common wealth.

Mr Mathews
case.

There beinge a bill presented to this Court, which concernes some former & later miscarriages of Mr Marmaduke Mathewes, this Court orders, that the

ſd M^r Mathewes be warned to appeare before this Court to make answer therevnto on the fifth day next, in the morninge; before the Court goe on to any hearing, *to any hearinge*, thereabouts.

1651.

22 May.

M^r Matthews
case.

At which time the ſd M^r Mathewes appeared, the wittnesses were examined, the case fully heard; the determination of the Court therevpon was as hereafter followes:—

Whereas M^r Marmaduke Mathewes hath formerly & lately giuen offence to magistrats, elders, & many brethren, in some vnsaffe, if not vnsound, expressions in his publicke teachinge, & as it hath ben manifested to this Court, & hath not yet giuen satisfaction to those magistrats & elders that were appoynted to receiue satisfaction from him, since which time there haue, in his publicke ministry, ben deliuered other vnsaffe & offence expreſſiōs by him, whereby both magistrats, ministe^{rs}, & churches were occasioned to write to the church of Maldon to aduise them not to pceed to the ordination of M^r Mathews, which offences taken agaynst him were also made knowne, yet, contrary to all advice & the rule of Gods word, as also the peace of the churches, the church of Mauldin hath pceeded to the ordaynation of M^r Mathewes, —

This Court, therefore, takeinge into considera^{ti}ō the p^rmisses, & the dangerous consequences & effects that may follow such pceedings, doth order, that both the former & later offences, touching doctrinall poynts, be first duly considered by a committee both of magistrats & deputies, viz^t, M^r Bradstreet, M^r Symonds, Cap^t Hawthorne, Cap^t Johnson, M^r Glouer, Cap^t Lusher, Cap^t Gookin, and Richard Browne, & Cap^t Atherton, or the major part of them; & in case of difficulty, the ſd co^mittee hath liberty to call in the helpe or advice of any of the reuerend elders whom they shall thinke meete, & according as the ſd co^mittee shall find, to make report to this Court at the next session thereof; and touching the church of Maulden, her offence in ordayninge him, notwithstanding all advice formerly, that the church may be referd to answer theire offence, also, the next session of this Court; & as concerninge M^r Mathewes suffringe himself to be ordayned contrary **contrary* to the rules of Gods word, which should not haue so pceeded, to the offence of magistrats, elders, & some churches, this Court doth further order, that the ſd M^r Mathewes shall giue satisfaction at this session of this Court, by an humble acknowledging of his sinne for his so pceedinge, which if he refuse to doe, to pay the sume of ten pounds within one moneth.

[*303.]

M^r Mathewes, having a day appoynted to acknowledge his offence, gaue no satisfactiō before the Court, as he ought, if he would haue freed him selfe

M^r Matthews
fine to be col-
lected.

1651. from the fine of ten pounds imposed on him by this Courte ; & therefore it
 is ordred, that warrent shall issue out of this Court from the secretary to the
 22 May. | marshall to leuy the $\text{\textit{\text{sd}}}$ fine on the goods of M^r Mathewes within one month
 after the date hereof.

Settlement of
 Capt. Joseph
 Weld's estate
 in Roxbury.

In answer to the petition of John Johnson & W^m Parkes, of Roxbury,
 ouerseers to the last will & testament of Cap^t Joseph Weld, late of Roxbury,
 afforesd, desiringe that the howse & lands, orchard, gardens, barnes, & eigh-
 teene acors of vpland & meddow to the same belonginge, as it lyes scituate
 & beinge in Roxbury, may be confirmed to Anthony Stoddard & his heires
 foreuer, so as the said Anthony Stoddard giues in securitie to the County
 Court now in adjournment, & to the $\text{\textit{\text{sd}}}$ ouerseers, to both their contents,
 to pay vnto Daniell, Sarah, & Mary, as they shall attayne vnto their respec-
 tiue ages, the sume of fifty pounds apeece in current pay, or to the survivour
 or survivours of them the sume of one hundred & fifty pounds, keepinge
 them at his owne charge till they shall attayne their respectiue ages ; & in
 case all the $\text{\textit{\text{sd}}}$ children should dy before they come to age, then to pay what
 is justly due to them did they liue, (by their fathers will & intent therein
 exprest, to the first wiues children,) the Court thinkes meete to grant the
 petitioners request, & doth confirme the $\text{\textit{\text{sd}}}$ howse & land to the $\text{\textit{\text{sd}}}$ Anthony
 Stoddard accordingly.

J. Milam & W.
 Franklin dis-
 pute.

Courts opinion.

The Court, havinge heard the whole case of diffrence betweene John
 Milam, playnt, & W^m Franklin, defendant, for diginge away a peece of
 ground before his brother Humphry Milams howse, as it was tryed by way
 of action at the County Court in Boston, (28,) 11th, 1650, that Court re-
 jectinge the verdict of the jury, who found for John Milam ten pounds dam-
 mages & ten shillings & seven pence cost, it was ordred by the Generall
 Court, that William Franklin should make the $\text{\textit{\text{sd}}}$ landinge place vp agayne
 as good as it was before he cut it away, before the last of July next, which
 then was twenty foote in length & eight in breadth at the one end, & about
 foorteene at the other end, as it appead to a comitte to the Courts satisfac-
 tion, that so Humphry Milam may enjoy his landinge place accordinge to
 couenants, or else to forfeit to John Milam all the land y^t the $\text{\textit{\text{sd}}}$ Franklin
 hath lyinge & beinge betweene the Creeke & the front of Humphry Milams
 howse, & howeuer, to pay the costs of the Court, which is twenty five
 shillings.

Its ordred, that the debt of twelue pounds odd money dew to M^r Eaton,
 gouerno^r of Newhaven jurisdiction, at his request, be payd to Benjamin Gil-
 lam by the Treasurer, to his content.

*Its ordred, that the Treasurer shall pay the seruants of M^r Phillipps forty shillings as a recompence for theire attendance on the Court; as also ten shillings to M^r Bellinghā servants for theire paynes.

1651.

22 May.

[*304.]

Its ordred, that thankes be giuen by this Court to M^r John Norton for his worthy paynes in his full answer to M^r Pinchons booke, which at theire desire he made, & since p^rsented them with; & as a recompence for his paynes & good service therein, doe order that the Treasurer shall pay him twenty pounds out of the next leuy.

Rev^d M^r Norton has £23.

This Court, takeinge into considera^{ti}ō how farre Sathan p^rvayles amongst vs in respect of witchcrafts, as also by drawing away some from the truth to the p^rfession & practise of straung opinions, & also consideringe the state & condition of England, Ireland, & Scotland, & the great things now in hand there, conceiue it necessary that there be a day of humiliation throughout o^r jurisdiction in all the churches, & doe therefore desire & order, that the eighteenth day of the fowrth moth shalbe set a^pt for that end & purpose, & that the depu^{ts} of the seuerall townes giue notice to the seuerall elders of theire churches of the Courts desire hercin.

June 18th to be observed as a day of humiliation.

**Att the second Session of the Gennerall Court, held att Boston, the 14th October, 1651.* [*305.]

WHERE was chosen Speaker, Major Daniel Denison, for the whole session of Court.

14 October. Am^unition to be entred and reported to notary publick.

Whereas, by favour of the most honourable Parliament of England, or counsell of state, seuerall quantities of powder & other am^unition are yearly imported into this jurisdiction for o^r necessary vse & defence, now, to the end that the favour we receiue may not be abused, nor o^rselues depriued of the just & nessessary vse thereof, it is hereby ordred & enacted, that all marchant^l or others that shall import into this jurisdiction either powder, lead, bullett^l, shott, or any am^unitiō whatsoever, shall giue p^rticuler notice of the quantitie thereof to the publicke notary, vppon paine or p^renalty of forty pound^l within one moneth after the landinge of such good^l; who is hereby enjoyned to take p^rticuler notice of the same, with the marke & number, & faythfully to enter the same in a booke of the names of the persons to whom they are sould, or vnto whose power or custody they are comitted, that he may giue accountp thereof, vppon oath, to the Gouverneur, Deputie Go^uno^r,

1651.

14 October.

or any of the counsell from time to time. And the sd notary is hereby phibited, vppon the paine, pœnaltie, of one hundred pounds, to graunt any certificate vnto any marchant or other of any such goodes but such as he shall haue perticuler notice of, & entred as aforeſd; and to the end this order may be duly obserued, & that no person may plead ignorance thereof, it is hereby ordred, that the captayne of the Castle shall, vppon the ariual of any shippe or vessell in the Massachusett Bay, from any forraigne partes, giue notice of the content of this order to the master or marchant of any such vessell; & the cunstables of all other port townes in this jurisdiction are hereby enjoynd to doe the same.

[*306.]

Booke of Discipline.

Contradicentes; Mr

Browne, Capt.

Hawthorne,

Joh: Jobson,

Mr Henry Bartholomew, Es-

dras Reece,

Wm Cowdry,

Walter

Haynes, Roger

Shaw, Ste:

Kinsley, Joh:

Holbrooke,

Mr Tho. Clarke,

Capt. Leueritt,

Mr Howchen,

Capt. Tyng.

*Whereas this Court did, in the yeare 1646, giue encouragment for an assembly of the messengers of the churches in a synode, and did desire their helpe to draw vpp a confession of the fayth & discipline of the churches, according to the word of God, which was pſented to this Court, & comended to the seuerall churches, many of whom returned their approbation & assent to the sd draught in generall, & diverse of the churches pſented some objections & doubt agaynst some perticulers in the sd draught, wherevppon, by order of this Court, the sd objections were commended to the consideration of the elders, to be cleared & remoued, who haue returned their answer in writinge, which the Court, havinge pvsed, doe thankfully acknowledge their learned paynes therein, & account themselves called of God (especially at this time, when the truth of Christ is so much opposed in the world) to giue their testimony to the sd Booke of Discipline, that for the substance thereof it is that we haue practised & doe belceue.

Trade prohibited.

Whereas, by an order of this Court, bearinge date the 22th of the third moth, 1651, all trade with Barbados, Antego, Bermudas, & Virginia is phibited, & therefore by all masters of shippes or smaller vessells are commaunded to forbear the transportinge of any goods or marchandize to the foreſd places, as being in rebellion ag^t the common wealth of England, vppon pœnalty of forfeiture of shipp & goodes. Since which time, havinge intelligence that the fleete, vnder the comāund of Sr George Ascough, is set forth by the Parliament for the reduceinge of the sd Iland of Barbados, & may pbably, by Gods blessinge, haue efected the same, & this Court havinge receiued a petition from diuers marchant and marinors, for libertie to sayle forth of these pt to the sd phibited places, or some of them, giuing in caution not to land any good in or tradé with any the sd places, except they be reduced to the obedience of the common wealth of England, wherefore it is ordred by this Court *and the authoritie thereof, that the Gouverneur, or any two magistrates, shall haue power to graunt libertie vnto such as haue or

[*307.]

may desire liberty to sayle forth from hence to any of the aforeſd places, takeinge ſufficyent caution, by bond, of one or two thousand pound ſterlinge, more or leſſe, accordinge to the burden of the ſhippe & value of the cargo they ſhall ſett forth withall.

1651.

14 October.

It is ordred by this Courte & the authoritie thereof, that all fences agaynst cornefeild℥, meddow ground, gardens, orchardes or pastures which are made of ſtones, pales, rayles, riuers, or creekes, or any other fences which are allowed by ſuch men as are appoynted in the ſeuerall townes to view fences to be ſufficyent agaynst greate cattle, all ſwine breakeinge through ſuch fences as afforeſd, ſhalbe liable to make ſatisfaction for all damage, vppon due proffe, as in other caſes, any law or cuſtome to the contrary notwithstandinge.

Swine to pay damage.

This Court conceiues it both diſhonoūable & troublſome, that all times, euen when the moſt weighty occaſions of the country are in hand, the Gouvernour ſhould affix the ſeale of this colonie, as often as men haue occaſions, to letters of attorney & certificates, & yet haue nothinge for the ſame, and therefore orders, that henceforth whoſoeuer ſhall procure the ſeale of this colonie to any certificate, letter of attorney, or commiſſion, ſhall ſatisfie the preſent Gouverneur for the time beinge five ſhillings℥ for affixinge the ſeale aforeſd, & atteſtinge therevnto vnder his hand.

Fees for the pub: ſeale. Governor's ſignature and ſeal of the colony.

Vppon a motion made to this Court, in the behalfe of the ſeuerall troopers within this iuriſdiction, it is ordred, that libertie ſhalbe graunted them to chooſe captaynes ouer their ſeuerall troopes, pvided they be ſuch as ſhalbe allowed by this Court, as captaynes of foot companies are.

Troopers libertie.

To the end that no other but good & whoſome beere be brewed at any time hereafter within this iuriſdiction, to be ſold either for the ſupply of ſhipps or other ſmaler veſſell℥ at ſea, or for the vſe of travillers, or others in ordynaries, *and that no wronge be done to any in this miſtery, it is ordred by this Courte & the authoritie thereof, that no perſon whatſoeuer, after the publication hereof, ſhall vndertake the callinge or worke of brewinge beere for ſale but only ſuch as are knowne to haue ſufficyent ſkill & knowledge in the art or miſtery of a brewer. And further, it is ordred by the authoritie aforeſd, that if any vndertaker for victuallinge of ſhipps or other veſſell℥ for ſea, or maſter or owner, or any other, ſhall make it appeare that any beere bought of any perſon within this iuriſdiction doe proue vnfit, vnwhoſome, & vſeles for their ſea ſupply in that kind, through the insufficiency of the mault, or brewinge, or vnwhoſome caſke, the perſon wronged thereby ſhalbe & is hereby enabled to recouer equall and ſufficyent dammages by action agaynst that perſon that put that beere to ſale. And forasmuch as wthin this iuriſdiction ſeuerall ordinary keepers doe brew their owne beere, it is further

Whoſome beere to be brewed. Beer.

[*308.]

Brewers of malt liquor to be duly qualified for the purpoſe.

1651.

14 October.
Directions for
brewing.

ordred by the authoritie aforeſd, that all ſuch as put beere to ſale ſhalbe able to proue that they put into euery hogſhead of beere that they ſell for three pence the quarte, into the brewinge thereof, ſix buſhell℥ of good barley mault, & into euery hogſhead of beere ſould at two pence the quart, fower buſhell℥ of mault; & into euery hogſhead of beere ſould at a penny a quart, two buſhell℥ of like good mault, & ſo proportionably in greater or ſmaller quantities; & whoſoeuer ſhall offend in faylinge in any of theſe proportions by putinge in leſſe quantities of mault, or ſellinge beere at higher priſes, ſhall forfeit for the firſt offence therein forty ſhillings℥, & for the ſecond offence ſhall forfeite their licence; & that it ſhalbe lawfull for any ordinary keeper to brew beere for ſale of three pence the quart, any law, cuſtome, or vſeage to the contrary notwithstanding.

Order about
youthes.

[*309.]

Youths to be
kept from
dissipation &
idleness.

Vppon information of diuers looſe, vayne, & corrupt perſons, both ſuch as come from forraigne partes & alſo ſome others, here inhabitinge & reſidinge, which inſinuate themſelues into the fellowſhip *of the younge people of this country, drawing them both by night & by day from their callings, ſtudies, honeſt occupations, & lodginge places, to the great diſhonour of God, greife of their parent℥, maſters, teachers, tuto^r, guardians, ouerſeers, & ſuch like, it is ordred by this Court & the authoritie thereof, that whoſoeuer ſhall henceforth any wayes cauſe or ſuffer any younge people or perſons whatſoeuer, whether children, ſervant℥, apprentizes, ſchollers belonginge to the colledge or any other Latine ſchoole, to ſpend any of their time or eſtate, by night or day, in his or their company, howſe, ſhoppe, ſhippe, or other veſſell, whether ordinary, taverne, victuallinge howſe, cellar, or other place where they haue to doe, & ſhall not, from time to time, diſcharge & haſten all ſuch youthes to their ſeuerall employment℥ & places of abode or lodginge aforeſd, if their beinge in any ſuch place be knowne to them, or any ſervant or other helpe in the family, or ſupplyinge the place of a ſervant, at ſea or at land, that then ſuch perſon, howſholder, ſhopkeep, ſhipmaſter, ordinary keeper, taverne^r, victualler, or other, ſhall forfeit the ſumme of forty ſhillings, vppon legall conviction before any magiſtrate, or others authorized to end ſmall cauſes, the one halfe to the informer & the other halfe to the country; & all conſtables in their ſeuerall iuriſdictions are alſo authorized to act herein as is pvided in reference to the law of inkeepers.

Choyce of
juryes.

Whereas there hath bene complaynt℥ made vnto this Court, that vppon the choyce & ſummoninge of juryes for ſpeciall Court℥, there hath bene ſome intrenchm'℥ vppon the freemens libertie, it is therefore ordred by this Courte & the authoritie thereof, that the ordinary courſe for choyce of juryes by the freemen ſhall be attended in the choyce & ſummoninge of juryes for ſpeciall

Court℄, & no other way in the places where the juryes shalbe chosen & summond. 1651.

There beinge seuerall of the inhabitant℄ of the county of Suffolke havinge
 exprest themselues that they haue suffred some wronge in regard the juryes
 chosen to serue the Court of Assistant℄ are alwayes *made choyce of out of
 the sd county of Suffolke to try such actions as are brought from all part℄ of
 the jurisdiction, which the Court haueinge considred off doth order, that
 henceforth all juro^{rs} that are called to attend at the Court of Assistant℄ shalbe
 made choyce of respectiuey out of the county of Middlesex also.

Although seuerall declarations & orders haue bin made by this Court
 agaynst excesse in apparill, both of men & woemen, which hath not yet taken
 that efect which were to be desired, but on the contrary we cannot but to o^r
 greife take notice that intollerable excesse & brauery hath crept in vppon vs, &
 especially amongst people of meane condition, to the dishono^r of God, the
 scandall of o^r p^ression, the consumption of estates, & altogether vnsuteable to
 o^r povertie; & although we acknowledge it to be a matter of much difficultie,
 in regard of the blindnes of mens mindes & the stubbournnes of theire wills,
 to set downe exact rules to confine all sort℄ of p^rsons, yet we cannot but ac-
 coumpt it o^r duty to comend vnto all sort℄ of p^rsons a so-ber & moderate vse
 of those blessing℄ which, beyond o^r expectation, the Lord hath been pleased to
 afford vnto vs in this wildernes, & also to declare o^r vtter detestation & dislike
 that men or women of meane condition, educations, & callinges should take
 vppon them the garbe of gentlemen, by the wearinge of gold or siluer lace,
 or buttons, or poynt℄ at theire knees, to walke in greate bootes; or women of
 the same ranke to weare silke or tiffany hoodes or scarfes, which though
 allowable to persons of greater estates, or more liberall education, yet we can-
 not but judge it intollerable in p^rsons of such like condition; it℄ therefore
 ordred by this Court & the authoritie thereof, that no person within this juris-
 diction, or any of theire relations depending vppon them, whose visible
 estates, reall & p^rsonall, shall not excede the true & indeferent value of two
 hundred poundes, shall weare any gold or siluer lace, or gold or siluer but-
 tons, or any bone lace aboue two shilling℄ p^r yard, or silke hoodes or scarfes,
 vppon the poenalty *of ten shillinges for euery such offence; & euery such
 delinquent to be p^rsented by the graund jury. And forasmuch as distinct &
 perticuler rules in this case, suteable to the estate or qualitie of each p^rson,
 cannot easily be giuen, it is further ordred by the authoritie affore^d, that the
 select men of euery towne, or the majo^r part of them, are hereby enabled &
 required & *required*, from time to time, to haue regard & take notice of ap-
 parill in any of the inhabitant℄ of theire seuerall townes respectiuey, & who-

14 October.

Juro^{rs} for
Suffolke.

[*310.]

Excesse in
apparill
restraynd.Order against
costly apparel.

[*311.]

1651.

14 October.
Order disap-
proving great
boots and
ribbons.

soeuer they shall judge to exceed their rankes & abillitie in the costlynnes or fashion of their apparrell in any respect, especially in the wearinge of ribons & great bootes, (leather beinge a commoditie scarce in this country,) the s^d select men shall haue power to asseesse such persons so offendinge in any of the perticulers aboue mentioned, in the country rate, at 200^{li}, accordinge to that proportion that such men vse to pay to whom such apparrell is suteable & allowed; p^{ro}vided, that this law shall not extend to the restraynt of any magistrate or other publicke officer of this jurisdiction, their wiues & children, who are left to their discretion in wearinge of apparrell, or any settled military officer, or souldier in the time of military servise, or any other whose education & employment^e haue bene aboue the ordinary degree, or whose estates haue bene considerable, though now decayed; & this order to take place & be of force two moneths after the end of this session of Court.

Boston
comission.

Whereas it doth appeare vnto this Courte that suites at law are growne more frequent of late in this jurisdiction than formerly, & especially in the towne of Boston, by reason of the great concourse of people & increase of trade there, whereby County Court^e are much p^{ro}longed, & forasmuch as many crimes are also comitted in the s^d towne, both by night & by day, both by straungers & other inhabitant^e of this country, which, either through the want of information, or authoritie not constantly at hand, *sundry offendo^r & offences escape vn^{er}punished, for the p^{re}vention whereof the Generall Court, assembled at Boston the 14th of October, 1651, haue thought meete that there be seaven of the freemen resident^e in Boston aⁿnually chosen by the freemen of the s^d towne, & p^{re}sented to the Court of Assistant^e, who hereby haue power to authorize the s^d seaven freemen to be comissiono^r^e for the towne, to act in all thinges committed to their trust as is hereafter exprest, who shall, from time to time, be sworne before the s^d Court, or the Go^{ve}rnor then in beinge, to the faithfull discharge of that service; & for this p^{re}sent yeare this Court haue giuen & graunted, & do hereby giue & graunt, full comission & authoritie to M^r Richard Parker, M^r Nathaniel Duncā, Cap^t Robert Keayne, Cap^t W^m Tynge, M^r Edward Tynge, M^r Anthony Stoddard, & Cap^t Joh Leverett, or any fiue of them, or any three of them with one magistrate, to heare & determine all ciuill actions which shall be brought before them, not exceedinge the sume of ten poundes, arisinge within the necke of land on which the towne is scituated, & in Noddles Iland, or betwixt any parties, where both parties shalbe inhabitant^e or resident^e within the s^d necke of Boston, or Noddles Iland affore^sd, or any other not inhabitinge w^{ith}in the jurisdiction, & also to heare & determine all ciuill actions whatsoeuer, legally brought before them, not exceedinge the sum of ten pound^e affore^sd, provided they keepe a booke of records for the

[*312.]

Commissioners
to hear and de-
termine all
causes of £10
value in Bos-
ton.

entry of all causes, evidences, testimonyes, sentences, & judgment℥, as the law pvides in like cases, which s̄d commissiono℥ are authorized aṇually to ap-
 poynt them a clarke of their Courtes, & to demandaund & receiue of euery
 playntife, in all causes or actions not exceedinge forty shilling℥, the sume of
 one shillinge six pence, & for all other actions the sume of fiue shilling℥, &
 for all other thinges the accustomed fees; pvided also, that the s̄d commis-
 siono℥ shall, from time to time, publish their Court dayes, as the three
 com̄issiono℥ in townes are by law to doe; & for the better discouery,
 *pvention, & punishment of sin & misdemeno℥ in the s̄d towne of Boston,
 power & authoritie is hereby giuen & graunted to the s̄d commissiono℥ &
 euery of them, by warrent, vnder their or his hand, to convent before them,
 or any one of them, all such persons as shalbe complayned of for such of-
 fences, or otherwise legally brought to their cognizance, & to heare & deter-
 mine the same accordinge to the lawes here established, as any magistrate
 may doe, pvided the fines imposed by them doe not exceed forty shilling℥
 for one offence; & that o℥ s̄d commissiono℥ may the better & more diligent-
 ly endeavour the suppressing of sin, misdemeno℥, & the breach of the peace
 in the s̄d towne, their commission shall, from time to time, be vnder the
 hand of the secretary for the Generall Courte, & also all marshall℥, cunstables,
 & other inhabitant℥ respectiue℥, from time to time, shalbe aydinge & assisting
 o℥ commissiono℥ aforeſd in this behalfe, & that no person may be discouraged,
 or any way dammaged hereby, it shalbe in the libertie of any person to ap-
 peale from the sentence of any of them, from time to time, vnto the Court
 of Assistant℥, pvided that no action arising, vnder ten poundes, within the s̄d
 limitt℥ of Boston Necke & Noddles Iland, as aforeſd, shalbe receiued into
 any Courte, & that this commission shalbe of force for triall one whole yeare.

1651.

14 October.

[*313.]

Inhabitants to
 assist the
 commission-
 ers.

Whereas there was a law made, in the yeare 1651, concerninge straun-
 gers cominge into this iurisdiction, wherein all strangers ariueing within any
 of o℥ port townes, aboue the age of sixteene yeares, were enjoyned to be ac-
 countable before the Gouverno℥, Dep^t Gouverno℥, or two of o℥ honou^d magist℥℥,
 of the occasiō of their cominge into these part℥, as in that order doth more
 largely appeare, which s̄d order is longe since expired, it℥ ordred by this Court,
 that the s̄d law be agayne reuiued, & be declared by this Court to stand still
 in force till this Court shall se just cause to repeale the same.

Order about
 straungers
 reuiued.

It℥ ordred by this Courte & the authoritie thereof, that all sortes of corne
 shalbe payd into the country rates for this yeare ensuinge at these prises fol-
 lowinge, viz^t, wheat & barly at fiue shilling℥ the bushell, rye at fower shil-
 linges, pease at three shilling℥ eight pence, & Indian at three shilling℥ p bush-
 ell, all good & marchantable corne, & all other thinges payd into the country

Prises of
 corne.

[*314.]

1654.

14 October.
Secretaryes
recompence
£40 p^r ann.

rate to be valued accordinge to the prises of all sortes of corne aboue mentioned.

It is ordred by this Court, that the secritary shalbe allowed for his attendance on & service to the Generall Court counsell, & transcribinge the act^l of the commission^r^l, as also for transcribing of letters, & all other service, besides the benefit of writeinge the orders of the Generall Court for the seuerall townes, forty poundes for this yeare, & so forward, & to begin at the first session of this Courte.

Letters to be
recorded.

Forasmuch as this Court hath occasion many times of sending letters to England, to the Dutch, French, Roade Iland, as also to the other jurisdictions & ordinarylie doe receiue letters from them, & that somtimes such as are of great concernment to vs, that we may the more readylic find out the content^l of such letters as afforesd, it^l ordred, that from henceforth there shalbe two seuerall bookes kept, the one by the secritary, the other by the clarke to the Deputies, wherein letters & other forraigne transactions, so much as this Court shall appoynt, shalbe recorded; & because it is a worke that will require much time & labour, tres beinge many, & some very longe, it^l therefore further ordred, that they shall respectiueley receiue pportional recompence yearly for theire labours, as this Court shall determine.

Answer to M^r
Eliott.

In answer to the petition of M^r John Eliot, of Roxbury, & vppon a motion of the inhabitant^l of Dedham, tendringe the furtherance of the Indian plantatiō at Naticke, to allow them two thowsand acors within theire boundes, pvided they lay downe all claymes in that towne elsewhere, & set no trapps in vninclosed land, this Court, approueinge theire tender therein, doth order that the deputies of Dorchester, Roxbury, Watertowne, Cambridge, & Sudbury, together with the deputies of Dedham, shalbe a comitte to consider & act further therein, & that in case M^r Eliot shall, in the behalfe of the Indians, desire more of Dedham land, they may stir vpp & moue theire seuerall townes to further that worke by *yeeldinge some land in each of theire townes adjacent, to recompence Dedham for what land they shall part with ouer & aboue the two thowsand acors aboue sd.

[*315.]

Hauerill
enlarged.

This Court haueinge formerly graunted fower miles square for the boundes of Hauerill, or such a tract of land, & did appoynt Joseph Jewet, John Hasletine, Robert Hasletine, & William Wilder, or any two of them, to lay out theire sd boundes, which Joseph Jewet & W^m Wilder haueinge done accordinge to the Courtes graunt, this Court (at the request of the inhabitant^l of Haverill) doth confirme theire sd boundes, as they are now layd out by the persons aboue mentioned.

M^r Dudleys
answer.

Whereas by two former grauntes of this Courte, o^r p^rsent honour^d Dep^t

Gouerno^r Thomas Dudley, Esq^r, had graunted vnto him fiteene hundred acors of land, about fower miles from Concord, which is bounded by the riuer on the one side, & by land graunted to Joh Winthrope, Esq^r, deceased, on another side, but it is not expressed how far the s^d 1500 acors should goe alonge by the riuers side, to make it certayne, & that no diffrence may arise about the same in time to come, this Court, in answer to his request, doth order, that the s^d 1500 acors so graunted to him shall be layd out two miles & a halfe alonge by the riuers side, & so that he may make vp the s^d 1500 acors from the riuers side to the land ward.

1651.

14 October.

In answer to the petition of Symon Bradstreet & Thomas Wiggen, gent^l, for the graunt of one thowsand acors of land on the further side of the riuer Neewhichawanicke, neere Douer, together with such p^ruiledge of timber as might be vsefull for the employ^t of their sawmill, this Court, accordinge to their request, haue graunted them the s^d thowsand acors, to them & their heires for euer, & also libtie to make vse of any timber for the sawmill whiles the land doth remayn common.

Mr Bradstreete
answer.

Henry Chickeringe, a deput^t for the towne of Dedham, vpon his vrgent occasions, is dismist the Court for this sessiō, there beinge another deput^t here for the same towne.

Deputy dis-
mist.

Whereas the Generall Court, in the begininge of the towne of Dedham, graunted vnto the inhabitant^l thereof *a tract of land fwe miles square, vppon the north side of Charles Riuer, but afterward, vppon the layinge out of Watertowne line, it did appeare that there was not roome there left for the former graunt made to Dedham to lye in that square forme before exprest, wherevppon an other graunt was made by the Generall Court, dated 22th of the 3^d moth, 1639, orderinge that the s^d tract of land should be layd out to run a longe, so as the fore^sd quantitie should be taken in accordinge as the place would beare, in which order also one clause doth restrayne the line, that it shall not come within two miles of Cochittawate pondes; but now vppon experience & testimony p^rsented in this Court, it doth appeare, that the fore^sd pondes are within lesse then two miles of Charles Riuer, by reason whereof the s^d tract of [^] miles square cannot be taken there according to the graunt, this Court in considera^o of the p^rmises, doth order, that the fore^sd clause, restrayninge the line not come within two miles of the afore^sd pondes, be made of none effect, but that the fore^sd graunt or tract of land be layd out accordinge as the place was then capable at that time when the graunt was made, p^rvided that Watertowne line be not hindred thereby.

Dedham
boundes.

[*316.]

Dedham
bounds.

Whereas it appeares vnto this Court, vppō examina^o of acc^o, that the country is debtor to M^r Pococke, in England, the sume of fiftie poudes,

Mr Pococks
satisfied.

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Mr Pococke.

formerly disbursed for & towards the vse & benefit of the country, that due satisfaction may be made, as *as* is desired, it^ℓ ordred by this Courte, that M^r Winslow shall & hereby is both authorized & intreated to make satisfaction to the s^d M^r Pococke by such wayes & meanes as shall p^sent, & that the Treasurer shall repay it agayne heere to whom M^r Winslow shall appoynte, & this order to be sent to England to M^r Winslow with all convenient speed.

Mr Dunster to
marry.

It^ℓ ordred by the Court, that M^r Henry Dunster shall be impowered to marry M^r Joh Appleton & M^{rs} Priscilla Glouer, who haue been published accordinge to law.

Surveyor's
recompence.

[*317.]

This Court, takeinge notice of the contynuall paynes & faythfull en-
deuours of M^r Joh Johnson in the place of the surveyo^r generall, *lookinge
to the country armes, & p^cureinge many of the country debt^ℓ, judge it meete
he should haue due recompence, & doe therefore order, that he shalbe
allowed fiue poundes p annū, & to begin from the time of the Courtes last
allowance to him for his paynes in that imployment.

Sudbury
bounds layd
out.

Accordinge to an order of Court, about three yeaes since, the towne of
Sudbury was to haue two miles enlargment vppon their west line, & Cap-
taine Symon Willard was appoynted by the Court to se the s^d land layd out,
which he havinge accordingly done did testifie the same vnder his hand, &
his returne was accepted by the Court, & their s^d graunt confirmed.

Comissiono^{rs}
for Hampton
boundes.

Vppon the request of the inhabitant^ℓ of Hampton, M^r Samuell Winslow,
M^r Tho^s Bradbury, & Leiu^t Pike, or any two of them, are appoynted comis-
siono^ℓ to lay out the west end of their towne line towards Exeter; p^ovided,
that Exetur haue timely notice of the time when it is to be done, to the end
they may haue lib^tie to make their objections, which s^d commissiono^ℓ shall
make returne thereof to the next Courte of Election.

Country
armes.

There beinge seuerall armes longe since left in the handes of some of the
inhabitant^ℓ of Salem, which did appertayne to the country, of which fower
musket^ℓ were burnt in the handes of M^r Gaffard, & one beinge in the handes
of o^r p^sent hono^rd Gou^rn^r, which s^d fiue muskett^ℓ, for seuerall reasons, this
Court doth order, should not be required agayne by the country.

Court ad-
journed.

The County Court of Suffolke, by reason of the busines of the Generall
Court, is adjourned from the 28th of the 8th moth to the 18th of the 9th.

Booke to be
printed.

It is ordred by this Court, that the answer to M^r Pinchons booke, written
by M^r Norton, should be sent to England to be printed.

Deputy
dismist.

M^r Henry Smyth, the deputy for the towne of Springfield, havinge a long
journey to travill, & vrgent occasion to returne home, vppon his request, is
dismist from further attendance on the Court.

*Att the request of Mr Phillipps, of Rowley, who hath been published accordinge to law, Mr W^m Hubbard, of Ipswich, in the absence of a magist^r, is hereby empowered to marry him.

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[*318.]

Whereas Nathaniel Edward^e presented to this Courte a will made by one Nathaniel Smyth, & therewith *as* seuerall testimoneys to proue that the *sd* will was confirmed & allowed by the Prærogatiue Court in England, vppon pvseall whereof this Court doth also declare to be legall, & doe also order, that the *sd* Nathaniel Edwards shall put in caution to the next County Court holden at Boston, to be responsall for all the estate of the *sd* Smyth lyinge within this jurisdiction, in case the *sd* will should hereafter be reversed; & further, at the request of the *sd* Edwards, this Court doth declare that the will aboue mentioned is the last will & testament of Nathaniel Smyth, & allowed by this Court.

Mr Hubbards
power to
marry.
Smyth will ap-
proved, &c.

The returne of the comitte^e appoynted to consider of y^e tre frō Mr S^t Mase,
& y^e cas depending therevpō.

1. Wee find, accordinge to the affirmatiō of Cap^t Henfeild, that he, the *sd* cap^t, had no comission from the major generall, Mr Yale being entrusted therewith as march^t of the vessell, nor had he any comission from England then with him.

French case
examined.

2. That Cap^t Lane & Cap^t Henfeild gaue chase to two French vessell^e about 30 leagues beyond S^t Johns, but came not vp to speake with them, nor intended then to take them, as he affirmeth.

3. We find that Cap^t Henfeild put fower men aboard a shollop of Cap^t Lanes to sound a harbour he intended to bringe his vessell into for trade, which shollop, beinge comāunded by Cap^t Lanes leiu^t, tooke a pinnace belonginge to the French as shee was cominge into the mouth of the harbour, Cap^t Henfeild^e men assistinge therein without his order.

4. That some dayes after the *sd* Cap^t Henfeild tooke some of the French aboard his vessell, to set them ashore, beinge requested by them, as he sayth, so to doe, & also put some of *his men aboard the French pynnace, intending to buy her, as he aleageth.

[*319.]

5. We cannot find that the major generall^e son had any comāund in Henfeilds vessell, nor was euer aboard the French vessell from first to last; & y^t the major generall himselfe gaue speciall order, both to the cap^t & march^t of his vessell, not to consort wth Cap^t Lane vppon any termes.

Lastly. We cannot finde that Cap^t Henfeild had any part of the French goodes, the vessell beinge retaken by Mr Latour. The p^rmisses considered, this Court doth order, that caution be taken of Cap^t Lane, to the value

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Mr Mathews
censure.

of 1000^{li}, that it may be responsall to the French for such wronge & injury as vppon due prooffe & tryall shall appeare to be done by him.

This Court, haueinge considered of seuerall thinges both charged & proued agaynst Mr Mathewes, of Maldon, as vnsaffe & eronious, doe conceiue that, although the ciuill & churches powers may pceede concerninge offendor℥ in theire seuerall wayes without interferinge one with an other, yet in this case, vppon some consideraço℥, they judge it doth stand with wisdome to haue the churches to act before themselues, & therefore they thinke meete & doe appoynt the church of Maldon speedly to consider of the error℥ Mr Mathewes standes charged with in Courte. And in case, vppon the churches dealinge with him, he doth acknowledge his error℥ & vnsaffe expressions, & giue satisfaction vnder his hand, so as the secritary, being certified thereof, doe aquaynt the counsell therewith within six weekes, the matter at p̄sent may so rest; else the secritary shall giue notice vnto the churches of Cambridge, Charles-towne, Lin, & Readinge to send theire messengers in way of counsell & advice vnto the church of Maldon, (not excludinge any other churches with them,) to debate the doctrines there deliuerd by Mr Mathewes, now in question, that by this meanes the truth may the better appeare, & y^t they p̄secute the same to effect, according to the rule of Christ, for the convictiō of y^e s̄d Mr Mathewes, & helpfullnes of the church of Maldon.

[*320.]

Maldon fined.
Contradi-
cences :
Capt: Haw-
thorne,
Mr Browne,
Wm. Cowdry,
Esdras Reede,
Mr Clarke,
Capt Leueritt,
Ste: Kinsley,
Mr Allen,
Mr Howchen.

*The Court, hauinge p̄vsed an answer of the church of Maldon, touching those thinges wherein they had giuen offence, are not satisfied therewith, & doe therefore judge, that the members of the church of Maldon shalbe fined for theire offences the sume of fifty poundes, which shall not extend to any *which shall not extend to any* pson that hath giuen satisfaction to this Court; & doe judge it meete that the execution should be leuied on the estates of Mr Joseph Hill℥, Edward Carringtō, & Joh Wayte, & that they be hereby impowred to make p̄portion of the s̄d sume on the rest of the members of the church, except before *except* exemption also to such as consented not to Mr Mathewes ordination.

Comissioners
for Kettery.

Whereas, by the extent of the line of o^r pattent, it doth appeare that the towne of Kettery, & many miles to the northward thereof, is comp̄hended wthin o^r graunt, & forasmuch as this Courte hath beene informed, that there hath beene a late endeuour of seuerall p̄sons thereabout℥ to draw the inhabitant℥ of Kettery, who gouerne now by combination, to petition the Parliam^t of England for a graunt of the s̄d place, which the major p̄t of the inhabitant℥ refused to doe; many of them expressinge theire willingnes rather to submitt themselues to the gouernm^t of the Massachusett℥.

This Court, takeinge into consideraço the p̄mises, together wth the

commodiousnes of the Riuer of Pascat, & how pjudiciall it would be to this gouernm^t if y^e afforeſd place & riuer should be possessed by such as are no ffriendℓ to vs, hath ordred, that a lovinge & ffriendly t're be sent from this Court to the ſd inhabitantℓ of Kettery, aquayntinge them wth o^r afforeſd right, & coṁmission graunted to M^r Symon Bradstreete, Major Daniel Denison, & Cap^t W^m Hawthorne to treat wth them, accordinge to instructs giuen, to receiue them vnder this gouernment, if termes of agreement can be concluded vppon by mutual consent; otherwise, haveinge made knowne o^r right, & layd clayme to the place, to ptest ag^t any further pceedingℓ, by vertue of their combinatⁿ or other intrest w^tsoeuer; & M^r Belingham & M^r Symonds to draw vp the t're & instruction accordingly.

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*In answer to a petition of the inhabitantℓ of Strabery Banke, for the laying out of their townshippe & seuerall other thinges exprest therein, this Court thinkes meete to graunt the petitionerℓ all the land betweene Hampton & them, that is not already graunted to townes or persons, (Squamset pattent excepted.)

[*321.]

Strabery Bank
enlarged.

2^y. That M^r Ambrose Lane, M^r Brian Pendleton, & Henry Sherbourne are hereby for one whole yeare invested with ample power as associatℓ, & be enabled with Cap^t Thomas Wiggan to keepe one Court in a yeare at Strabery Banke, viz^t, at at such time as Cap^t Wiggan shall appoynt, to try all ciuill & criminall actions, as other Shire Courtes wthin this iurisdiction doth, & each of y^m power to administer an oath; as also the three commissiono^rℓ, or each of them, shall haue power to keepe the peace amongst the inhabitantℓ, & to graunt warrentℓ to bringe before them such as shall breake the pœnall lawes, the pœnalties whereof excede not forty shillings, & all offendorℓ whose pœnalty shall exceed that sūme afforeſd to bind ouer to the County Court, or send them to some magistrate, to be pceeded with accordinge to law; & they haue the like power to end small causes as three men in townes haue; & for what else is mençōd in the petition, the Court referrℓ it to the next Generall Court of Election, to be considred & determined, pvided they haue or shall take y^e oath of fidelitie to this goūm^t before they act accordinge to this commission.

Associats.

In answer to the petition of Anna Palgrau, of Charlstow:, widdow, this Court doth confirme her as the sole executrix of her late husband, Richard Palgrau, & doth also hereby conferre all her ſd husbandℓ estate vppon her & her heires for euer, accordinge to the desire & true intent of the testator, exprest in his will.

Palgraus an-
swer.

In answer to the petition of Susanna Rashleygh, whose husband, departing hence longe agoe, was neuer heard of, this Courte thinkes meete to

Rashleyghs
answer.

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Venners answer.

[*322.]

graunt vnto the sd Susanna Rashley a free estate & tytle to the howse & land℥ of her late husband, whereby shce may be enabled to dispose thereof for her best advantage & good.

In answer to the petition of Thomas Venner, for the hearinge of a case betweene Mr Gayner & himselfe, that so he be not hindred in his voyage, *but haue both himself & shipp cleared, it℥ ordred, that the sd shippe be freed, & y^t Mr Venner, or whom else it concernes, giue in securitie of one hundred pound℥ to the County Court, to be responsall to answer Mr Gayner in the action in a court of justice.

Mr Hubbard to marry.

Att the request of the towne of Hingham, Leiv^t Joshua Hubbard is hereby appoynted & authorized to marry such psons there as ar published according to law.

Comitte to
pvse Lex
Mercatoria, &c.
Lex Mercato-
ria.

Whereas, in the yeare 1650, there was a committee chosen to pvse a booke called Lex Mercatoria, & to extract from thence such lawes as might be suteable for o^r vse in this common wealth, which sd committee haue not yett mett according as was then concluded, that the sd order may be further psecuted, it℥ ordred by this Court, that the accomplishinge of that worke shalbe referd to Mr Nowell & the auditor generall, who are hereby chosen a committee, & desired to pvse the sd booke, & to collect from thence such lawes as they shall judge meete for o^r vse accordinge as y^t order doth direct, & to make returne thereof to the next Generall Court.

Answer to
Capt. Keayne,
Mr Coggan, &c.

Capt Robt Keayne, Mr Joh Coggan, Mr Newgate, Mr Pen, Samuel Cole, & George Burden, pferinge a petition for releife in respect of vnjust molestation, as they conceiue, from Sagamore George, ptending a tytle to certayne land℥ at or about Rumny Marsh, in answer to which this Court doth order that their petition be graunted, pvided that the petitiono^r℥ lay out twenty acors of good plantinge land in some convenient place, such as this Courte shall approue off, for Sagamor George to make vse off; but if Georg^e Sagamor sell it, the petition^r℥ are to haue the refusall of it. And it is also further ordred, that if the petition^r℥ shall refuse to lay out twenty acors of good planting land, as is before exprest, that then the sd Sagamor is pmittid the benefitt of the law to recouer what right he hath to the land.

Capt. Allen to
pay for powder.

Capt Bozoone Allen, beinge heretofore intrusted wth one barrell of powder by the country, for which he was sued by the surveyo^r generall, & payd ten pounds & fiue shilling℥, vppon his request to this Court, (in regard of the badnes of the sd powder,) *it was ordred, that he should be alowed fower pound out of the treasury in satisfaction of what was taken from him.

[*323.]

Capt. Haw-
thornes recom-
pence.

In consideration of twenty poundes due to Capt W^m Hawthorne, as beinge commissioner for this colonie, it℥ ordred, that by way of satisfaction for

his good service in that place & imployment, he, the s^d cap^t, shall haue all that p^{ce}ll of land bought of M^r Knowles, lyinge in Kettery, & abuttinge on Pascataq Riuer, graunted to him & his heires for euer.

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This Court haueinge heard the returne of the com^{it}tee appoynted to heare & examine the matters dependinge betweene Joh Wicherdon & M^r W^m Aspinwall, contaynd in a petition p^{er}ferd to this Courte, in answer wherevnto the Court hath past these seuerall votes followinge: —

Wicherdens
case.

1. They judge it meete that the s^d Wicherdon should haue his execution graunted agaynst M^r Aspinwall.

2. That the s^d Wicherdon should haue his bill of cost^l of two poundes sixteene shilling^l graunted vnto him, vnles M^r Aspinwall pduce the determination of y^t Court that did abate the same vnder M^r Nowells hand.

3. That M^r Aspinwall shall pay the s^d Wicherden another bill of charges for his attendance & his wittnesses for seuen dayes vppon this Court, the sume of two poundes & thirteene shilling^l.

In answer to a petition p^{er}ferd by seuerall of the inhabitant^l of Hampton, for releife in respect of vnjust molestation from some p^{er}sons there p^{re}tendinge power for what they doe from M^r Batchelo^r, it^l ordred, that whatsoever good^l or landes haue ben taken away from any of the inhabitant^l of Hampton, afore^sd, by Edward Calcord or Joh Sanbourne, vppon p^{re}tence of beinge authorized by M^r Batchelo^r, either with or without execution, shalbe returned to them from whom it was taken, & the execution to be cald in, & no more to be graunted vntill there appeare sufficyent power from M^r Batchelo^r to recouer the same, to the County Court^l, either of Salisbury or Hampton.

Hampton's an-
swer.

Whereas the surveyo^r generall did arrest Roger Shaw, of Hampton, for eyght poundes, for a barrell of powder which was due from the towne of Hampton, & the s^d Roger Shaw did acknowledge a judgm^t of the same, wherevpon this Court doth order, that the s^d Shaw shall haue power to make a leuie vppon the inhabitant^l of Hampton, for the payment thereof, forth-with.

Powder fro
Hampton.

*M^r Thomas Gayner p^{re}feringe a petition contayning seuerall complaynt^l of wronge & injury done him by M^r William Aspinwall & Edward Bendall, in reference to seuerall account^l about his shippe, which the Court haueinge referd to a com^{it}tee to be examined, they returne as followeth: —

[*324.]

Gayners an-
swer.

1. That whereas fye thinges are moued for in the petition; first, for execution for 29^{li} 7^s 9^d, although M^r Gayner hath receiued fye pound^l thereof, yet he shewes not any right he hath to it to demaund the same.

2^y. To the 24^{li} 5^s 6^d he sues for, payd them, as M^r Aspinwall & M^r Bendall say, by contract for atturnyshipe & trouble for the seamen, we se not that any thinge thereof p^{re}teyned to him, the s^d petition^r.

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3^d thinge he sues for is, that the s^d Aspinwall & Bendall may giue in acc^o vpon oath. We find they haue done so by the testimony of M^r Nowell.

4th. For their bringinge receipt w^{ch} M^r Gayner sues for, we find vpon record a receipt & discharg from the seamen to Major Generall Gibbons, who bought the shippe, & that M^r Aspinwall & Bendall are not, as attorneyes, lyable to p^rduce them to M^r Gayner, except he was attorney to the seamen.

For the last, to haue libtie to p^rceede in common law, we know not but y^t the law is open, havinge cause & power to sue by.

This returne of the committee the Court doth order shalbe the answer to M^r Gayners petition.

Springfeilds
libertie.

Vpon a motion of the deputy of Springfeild, in the behalf of their towne, it^e ordred, that the inhabitant^e of Springfeild afores^d shall be at their libtie whether they will send any deputie at the latter sessi^o of this Court, from yeare to yeare.

Douers fine
respitted.

The inhabitant^e of Douer being vnder a fine, 10^{li}, for neglecting to send a deputie to this Court, vpon the request of M^r Maud hath their fine respitted, & not to be levied till the next Court of Election, that the Court may judge of Douers answer.

Douer no dep-
uty.

There being no deputy appearing from the towne of Douer, neither this nor the last session of this Court, this Courte thinkes meete, & doe therefore fine them ten pound^e for their neglect.

Newbery en-
signe.

Whereas it was ordred, the last session of this Court, that the towne of Newbery should goe to a new election for their ensigne, in respect the last choyce was not cleare, which accordingly they haue done, & haue legally made choyce of Benjamin Sweete, which, vpon their request, this Court doth *doth* aproue of for y^t place, & hereby confirmes him therein.

[*325.]

Emeryes an-
swer.

*In answer to the petition of Joh Emery, of Newbery, power is hereby graunted him, according to his desire, to sell a certayne iland which was left to three of his wiues children; & also a howse & six acors of land which was bound to make good twenty pound^e to other three of her children, p^rvided he giue securitie to the County Court at Ipswich to pay y^e children the full prise the land shall be sould for, & make the three childrens twenty nobles a peece eight poundes a peece, & pay the daughters their portions at eightene yeares, & the sonnes at twenty one yeares old.

Reddinge en-
larged.

In answer to the petition of the inhabitant^e of Reading, this Court doth graunt them, as an addition to their former bound^e, a certayne tract of land about two miles content, lyinge betweene M^r Bellinghams farme & the great riuer, & so to joyne to their former fower miles graunt, so as it hath not beene already graunted to any towne or person, nor p^rjudiceinge any former graunt.

In answer to the petition of Dorothie Lamb, Elder Isaake Heath, & Joh Johnson, who haue sould a certayn pcell of land, contayning three quarters of an acor, p̄t meddow, p̄t vpland, vnto William Parkes, William Cheyney, Thomas Baker, & Mary Wooddy, this Court doth ratifie & confirme the s̄d sale, according to theire desires exprest in their petition.

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Lamb's answer.

There beinge a tre p̄sented to this Court vnder the hand of M^r Pococke, wherein it appeares the country is debter to him to the value of fifty pound℥ for goods longe since sent ouer for the cuntryes vse, that due satisfaction may be made as is desired, it℥ ordred, that the Treasurer shall pay the forēsd fifty pound℥ to whomsoever shalbe authorized to receiue the same.

M^r Pococke to be payd.

In the case betweene Cap^t Joh Wall & M^r Thomas Ford, after the Court had fully heard what the parties could say, the Court determined that Cap^t Joh Wall should giue securitie to satisfie M^r Thō Ford, his heires, executors, or assignes, the sume of three thowsand three hundred forty & one pound weight of sugar, at the Barbados, by the last of June next, abateinge fower p cent for the payment thereof at y^t time; & it is ordred, that the clarke of the County Court at Cambridge shall deliuer vp to Cap^t *John Wall, or his assignes, the originall band w^{ch} was deliuered into the s̄d Courte; & for the charges of the Court for the time expended in hearing y^e cause, the Court is willinge to remitt it, being they are both strangers, & not aboue two howers in hearinge.

Capt. Walls case.

[*326.]

In the case betweene Cap^t John Wall & M^r Henry Groome, after the Court had heard fully what the parties could say, the Court determined that M^r Henry Groome, accordinge to the order of the County Court in Cambridge, should be execut^r to the last will of his brother, M^r Nich^o Groome, & y^t Cap^t John Wall should surrender all the good℥ & estate belonginge to the s̄d Nicholas Groome to the s̄d Henry Groome, y^e s̄d Henry Groome giueing in securitie to the s̄d Cap^t John Wall to saue him harmles from all his engagment℥ to M^r John Daniell, of Redrest, one hundred & three poundes whereof is satisfied to the s̄d Groome, & that the attatchment ag^t Cap^t John Wall, to answer the s̄d Henry Groome at the next County Court for the same, be deliuered vp to the s̄d John Wall agayne.

Henry Groome executor to N. Groome deceased.

Wheareas this Court did graunt vnto the towne of Roxbury 4000 acors of land, 267 whereof was assigned to M^r Denison, the which he, by a deede as yet appearinge, gaue vnto his son, Majo^r Daniel Denison, vppon whose request this Court doth confirme the s̄d graunt, & in consideration thereof, as also theire favour to him, doe graunt to him & his heires, for euer, six hundred acors of land, where it may be found, according to law.

Major Denisōs land.

Vppon the petition of Jane Guy, widdow, liberty & power is graunted to

Jane Guyes answer.

1651. her to sell such lands & howsing as was left her by her late husband,
 14 October. Nicholas Guy, to satisfy a debt of forty pound℥ oweing at his death, & the rest of his estate is settled.

Mr Winthrops Mr John Winthrop, beinge debter forty pound℥ to the country for
 gratuity of 40^{li}. Docto^r Child℥ fine, hath the sd forty pound℥ giuen him in consideration of service done for this country in England.

Mr Endecott℥ Vpon the request of o^r p^sent Gouverno^r, Joh Endecott, Esquire, this
 graunt. Court doth graunt him three hundred acors of woodland, tendinge to the
 [*327.] furtherance of a copper worke he intend℥ to *set vp in a place called Blind Hole, neere to a farm formerly graunted him, the sd land not beinge formerly graunted, p^rvided he set vp his sd workes within seuen yeares.

Capt. Gerish to Vpon the request of the inhabitant℥ of the towne of Newbery, Cap^t
 marry. W^m Gerish is appoynted to marry such as shall be published according to law in that towne.

Answ. to M^{rs} Anne Tompson, late wife of Symon Crosby, of Cambridge, p^sentinge a
 Tompson. petition, consisting of diuers p^ticulers, viz^t, pardon for not proueing her husband℥ will in season, lib^tie of administratiō to his good℥, confirmation of her childrens portions as they were agreed vpon by the elders & deacons of Cambridg, as also liberty to sell the house & land℥ of her late husband; all which this Court, havinge considred of, thinke meete to graunt, p^rvided shee put in good securitie to the Court at Cambridge to pay the childrens portions according to agreement.

Mr Samuell Symonds, vpon his request, hath three hundred acors of land graunted him, with the timber therevpon, beyond the Riuer Merrimacke, where it may be found in the power of the Court to graunt, so as he or his assignes set vp a saw mill within the space of seuen yeares.

Lewes ans. In answer to the petition of John Lewes for fifty shilling℥ expended toward℥ the mayntenance of M^{rs} Cole, its ordred, that his petition be graunted, & fifty shilling℥ payd out of the next leuie, it beinge the last the country is like to pay for her, whose extremity was such as deserued pytty.

Answ. to John Milam, by order of John Seaberries wife, he also approueing of the
 Milam. same, made sale of a certayne howse to Alexander Addams for forty fve
 Seaberries. pound℥ payd, the other ten to ^ ready to be payd vpon confirmation of the tytle, which, vpō his request, this Court thinkes meete to graunt, p^rvided the sd ten pound℥ be secured from Alexander Addams to the next County Court, to be in a readynes on all demaund℥ to be deliuered to the true heire of the sd Seaberie.

Haughtons In answer to the petition of Katterine, the now wyfe of Richard Haugh-
 answer. ton, for advise concerninge the disposing of her former husband℥ estate, it℥

ordred, that the petition^r should haue libtie & power to sell her s^d husband℥ howse to satisfy the debt℥, *as is desired, & administration is graunted to the petition^r; & what remaynes of the nynteene pound℥ in the inventory exprest should be to the benefitt of the woman for bringinge vp of the two children.

1651.

14 October.

[*328.]

Whereas the Court & jury did not agree in Crosmans case, who is now a prison^r for blasphemy, & so, it necessarylie cominge to this Court to be determined, the Court, on a full hearinge of the case, vppon the evidence giuen in, doe order & determine as follows, viz^t: that the s^d Crosman be seuerely whipt in open market place, & immediately after to be burnt in his forehead with the letter : B.; & also to be banished for euer out of o^r jurisdiction.

Crosmans cen-
sure.

This Courte doth judge it meete, & is willinge, that all patience be exercised towards M^r W^m Pinchon, that, if it be possible, he may be reduced into the way of truth, & that he might renounce the erroours & hæresies published in his booke; & for that end doe giue him time to the next Generall Courte in May more throughly to consider of the s^d errors & hæresies in his s^d booke, & well to weigh the judicious answer of M^r John Norton thereto; and that he may giue full satisfac^o for his offence, which they more desire then to p^{ro}ceede to so great a censure as his offence deserues, in case he should not giue good satisfaction, the Court doth therefore order, that the judgm^t of the cause be suspended till the Generall Court in May next, & that M^r W^m Pinchon be enjoyned, vnder the p^{en}alty of one hundred pound℥, to make his psonall appeareance at & before the next Generall Court, to giue a full answer to satisfaction, (if it may be,) or otherwise to stand to the judgm^t & censure of the Courte.

M^r Pinchons
case.

It is ordred, that the judgm^t of ten poundes graunted by this Courte ag^t M^r Marmaduke Mathewes, the execution thereof shalbe respited till other goodes appeare besides bookes.

M^r Mathews
fine respited.

M^r Richard Leader, beinge acused by Theodore Atkinson & W^m Wilcockes for some blasphemous expressions vttered in his passage betwixt this & England, it was put to the vote whether the s^d M^r Leader was to be responsall for what was evidenced ag^t him in this jurisdiction, the wordes beinge spoken neere about the midway betweene this & England, & it was resolved in the negatiue, & so he was freed from his bond℥ for appeareance, & likewise from his bond for good behaviour.

M^r Leader
acused.

M^r W^m Aspinwall, beinge accused for charginge the Court & jury to goe ag^t law & conscience in *makeinge the landlord to pay rent to the tenant, which the Courte, haueinge heard & examined, doe order & determine as

M^r Aspinwalls
case.

[*329.]

1651. followes, viz^t: that from henceforth the sd M^r Aspinwall shalbe suspended from the exercisinge the office of recordo^r, or clarke, in any County Court, as also to pay the sume of thirty shilling℥ to the jury for their attend-
 14 October. ance & entringe the petition, & for the attendance of two wittnesses, fower shillinges; &

Recorder for
Suffolke.

It℥ ordred that M^r Edward Rawson, secretary to the Generall Court, shall henceforth be recorder for the county of Suffolke, & that M^r Aspinwall shall deliuer him all the records belonginge to the sd county.

Clark of y^e
writts for Bos-
ton.

It℥ ordred by this Court, that, vppon the request of the inhabitant℥ of Boston, Jonathan Negoos shalbe aproued of as clarke of the writt℥ for that towne, in the roome of M^r Aspinwall, who is hereby ordred to deliuer him the recordes of deathes, birthes, & mariages, as belonginge to that office.

1652. *Att a Court of Election, held at Boston, the 27th of the 3^d Moth,
 Anno 1652.

27 May.

[*330.]

Where was chosen

John Endecott, Esq^r, Gouvernou^r.

Thomas Dudley, Esq^r, Dep^t Gouverno^r.

Asistant℥: Richard Bellingham, Esq^r,

Increase Nowell, Gen^t,

Symon Bradstreet, Gen^t,

Samuel Symonds, Gen^t,

William Hibbens, Gen^t,

Cap^t Rob^t Bridges, Gen^t,

Thomas Wiggan, Gen^t,

John Glouer, Gen^t,

Cap^t Daniel Gooken, Gen^t.

Rob^t Sedgwicke, Esq^r, Major Generall.

Symon Bradstreet and }
 Cap^t W^m Hawthorne, } Gen^t, Co^missiono^r℥ for this colonie.

Edward Rawson, Gen^t, chosen Secretary.

Richard Russell, Gen^t, chosen Treasurer.

The names of the Deputyes:—

Salem: Cap^t W^m Hawthorne, M^r Henry Bartholomew.

Charlstowne: M^r Richard Russell, Cap^t Leiuf Norton.

Dorchester: Leiut Roger Clapp, Hopstill Foster.
 Boston: Cap^t Joh Leueritt, Leiut Thö Clarke.
 Roxbury: M^r John Johnson, M^r Edward Denison.
 Watertowne: M^r Richard Browne, M^r Ephraim Child.
 Linn: M^r Thö Layton.
 Cambridge: M^r Edward Jackson.
 Ipswich: Major Daniel Denison, M^r Joh Whipple.
 Newbery: Cap^t W^m Gerish.
 Waymouth: Henry Kingman.
 Hingham: Cap^t Bozoone Allen, M^r Jerimiah Howchen.
 Concord: Cap^t Symon Willard.
 Dedham: Cap^t Eleazer Lusher.
 Salisbury: M^r Thö Bradbury.
 Hampton: Roger Shaw.
 Rowley: Joseph Jewett, Maximilian Jewett.
 Sudbury: Edmund Rice.
 Braunty: Stephen Kinsley, Samuel Bass.
 Douer: M^r Valentine Hill.
 Glouc: Robert Tucker.
 Wooburne: Cap^t Edward Johnson.
 Wenham: M^r W^m Fiske.
 Hauerill: M^r Robt Clement^l.
 Readinge: W^m Cowdry.
 Springfield: M^r W^m Davis.
 Maldon: M^r Joseph Hills.
 Meadfeild: Tymothy Dwite.

Major Daniel Denison chosen Speaker for the session.

W^m Torrey chosen Clarke for the yeare ensuinge.

M^r Ephraim Child & Joseph Jewet chosen Stewards for the yeare ensuinge.

THE Holy Scriptures of the Old & New Testament being written by the prophet^l, apostles, & holy men of God, inspired **inspired* by the Holy Ghost, contayning in them the infallable & whole will of God w^{ch} he purposed to make knowne to mankind, both for his owne worshipp & service, & also for the instruction, obedience, fayth, & saluation of man, w^{ch} yet by hæretick^l in former ages, & now of late by others, haue beene oppugned & denyed so to be, which, if coniuied at, would manifestly tend to the ouerthrow of all true religion & saluation, ffor the p^{re}vention of so haynous a crime, it is therefore hereby ordred & enacted, that what pson or psons soeuer pfessinge the Christian religion, aboue the age of sixteene yeares, that shall within this jurisdiction wittingly & willingly at any time, after the publication of this order, deny, either by word or writing, any of the bookes of the Old Testament or New, viz^t, Genesis, Denying the Holy Scriptures, penalty.

1652.

27 May.

Denyers of Scriptures.

[*331.]

1652.

27 May.

Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Samuel, Kinges, Chronicles, Ezra, Nehemiah, Hester, Job, Psalmes, Proverbs, Ecclesiastes, the Song of Soloman, Isaiah, Jerimiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habacucke, Zephaniah, Haggai, Zachariah, Malachi, Mathew, Marke, Luke, John, the Act^l of the Apostles, the Epistles to the Romans, Corinthians, Galatians, Ephesians, Philipians, Colossians, Thessalonians, Tymothy, Tytus, Philemon, to the Hebrewes, the Epistle of James, Peter, John, or the Reuelation, to be the written & infallable word of God, or if any pson, as affore^sd, belonginge to this jurisdiction, shall committ the ^sd crime vppon the sea, not beinge or belonginge to the jurisdiction of any other common wealth, shalbe forthwith apprehended by y^e next officer or officers, whether marshall or cunstable, or theire deputies, who shall haue power so to doe by warrent from any one of the magistrates, & shalbe committed to y^e prison, at Boston, without bayle or maynprise, there to be safely kept till the next County Court, where, vppon suffieyent testimony brought agaynst the ^sd delinquent, he shalbe adjudged for his offence; after legall conviction, to pay such a fine as the Court, which shall have cognizance of the crime, shall judge meete, not exceeding the sume of fifty poundes, or shalbe openly & seuerely whipt by the executionor, whether cunstable or any other appoynted, not exceeding forty stroakes, vnles he shall publickly recant before his sentence, which if he doe, he shall not pay aboute the fine of ten pound^l to the Treasurer, for the vse of the common wealth, or be whipt in case he pay not the fine. And it is further ordred & enacted, that if the ^sd offendor, after his recantation, sentence, or execution, shall the second time publish & obstinatly & pertinaciously mayntayne the ^sd wicked opinion, he shall be banished or put to death, according as the Court shall judge.

[*332.]

Evidences to
be faire writ-
ten.

*There beinge complaynt made to this Court concerning evidences which are often p^sented to o^r court^l of justice, beinge hardly legible by reason they are so badly written, & many times much false English appeares in them, so y^t they are altogether vnfit to be kept vppon file, for the rectifying whereof, it is ordred by this Court, that henceforth it shalbe left to euery Court, magistrate, or commissiono^r to order & regulate what they shall judge meete concerninge the same.

Ipswich prison.

Whereas there is only one prison in this jurisdiction, & very inconvenient to send p^sons so farr remote to the prison at Boston, when there is occasion, it [^] therefore hereby ordred, that there shalbe an other prison erected in this jurisdiction, & that to be at Ipswitch; & that there shalbe allowed by the country forty poundes for the effectinge the same; & the worke to be caried on & managed by the select men of the ^sd towne.

Whereas, in the late order made agaynst excess in aparill, in the 8th moth last, that clause in the first draught, viz^t, (or silke hoodes or scarfes,) was, through ouersight in the transcribinge, omitted, this Court doth therefore order, that the foreſd clause be added to, & vnderstood to be as a part of the law afforeſd.

1652.

27 May.

Addition to the law about aparill.

It is ordred by this Court & the authoritie thereof, that the printed order about money shalbe in force vntill the first of the seuenth moth next, & no longer; and that from & after the first of September next the money hereafter appoynted & expressed shalbe the current money of this common wealth, & no other, vnles English, except the receiuers consent therevnto. In psuance of the intent of this Court herein, be it further ordred & enacted by the authoritie of this Court, that all p^{ersons} whatsoever haue libertie to bring in vnto the mint howse, at Boston, all bullion, plate, or Spanish coyne, there to be melted & brought to the allay of sterling siluer by John Hull, master of the ſd mint, & his sworne officers, & by him to be coyned into twelue pence, six pence, & threepence peeces, which shalbe for forme flatt, & square on the sides, & stamped on the one side with NE, & on the other side with xii^d, vi^d, & iii^d, according to the value of each peece, together with a priuie marke, which shalbe appoynted euery three monethes by the Gouvernor, & knowne only to him & the sworne officers of the mint: & further, the ſd master of the mint *afforeſd is hereby required to coyne all the ſd money of good siluer of the just allay of new sterling English money, & for value to stampe two pence in a shilling of lesser valew then the p^{resent} English coyne, & the lesser peeces p^{ro}portionable; and all such coyne as aforeſd shall be acknowledged to be the current coyne of this co^mon wealth, & pass from man to man in all payment℥ accordingly, within this jurisdiction only. And the mint master, for himselfe & officers, for their paynes & labour in meltinge, refineinge, & coyninge, is allowed by this Court to take one shillinge out of euery twenty shilling℥, w^{ch} he shall stampe as afforeſd. & it shalbe in the liberty of any p^{erson} who bring℥ into the mint howse any bullian, plate, or Spanish coyne, as afforeſd, to be p^{re}sent, & se the same melted, refined, & allayed, & then to take a receit of the master of the mint for the weyght of that which is good siluer, allayd, as aforeſd, for which the mint master shall deliuer him the like weight in current money, viz^t, euery shilling to weigh three penny troy weight, & lesser peeces proportionably, deducting allowance for coynage, as before exprest. And that this order, beinge *being* of so great concernment, may not in any perticuler thereof fall to the ground, it is further ordred, that Mr Richard Bellingham, Mr W^m Hibbens, the p^{re}sent secretary, Cap^t John Leueritt, & Mr Thomas Clarke be a co^mittee appoynted by this Court to

Order about money.

Coining money at the mint.

[*333.]

Mint business.

1652.

27 May.

apoynt the mint howse in some convenient place in Boston, to giue John Hull, master of the mint, the oath suteable to his place, & to approue of all other officers, & determine what else shall appeare to them as necessary to be done for the carying an end of the whole order, & that all other orders concerning the valuation or coyning of money past this Court shalbe repealed.

A law about
juries.

It is ordred & enacted by this Court & the authoritie thereof, that, after the end of this p̄sent session, all actions of a civill nature shall be tried, in all Courtℓ within this jurisdiction, by the judges of the s̄d Court, without a jury, except it be desired by the playntife or defendant, in which case it shalbe graunted, p̄vided that the party that shall desire a jury shall pay the charges of the jury, viz^t, twenty shillingℓ for euery action in all County Courtℓ & Courtℓ of Assistantℓ, to the clarke of the Court, at the time when he makes knowne *his request; & it is ordred, that juroℓ for the triall of such cases as afore s̄d may be taken out of three or fower of the next towes only, notwithstanding any former law or order to the contrary, which s̄d 20^s shalbe assessed in costℓ vpon the party agaynst whom the judgment shalbe awarded. & for the more orderly p̄ceding with & wthout juryes in one & the same Court, it is ordred, that such as desire to haue their cases tried by juryes shall giue notice thereof to the secretary or clarke of y^t Courtℓ where the action is to be tried, fower dayes inclusiuely before the Court, to the end that a jury may be p̄vided; & the s̄d secretary or clarke shall enter such actions the day before the Court, or on the first day of the Court before the sitting thereof, that so they may be first tried, & the jury discharged; & the parties whom it may concerne shall take care for the timely paying of the entry of the action & charges of the jury at their pill, & y^t if any p̄son desire to haue a jury in speciall Courtℓ, he shall pay the juroℓ fower shillingℓ a day, as in y^t law is p̄vided.

[*334.]

To p̄vent
theft.

For the better p̄vention of theft, a sinne of late much growinge vpon, & whereas the former lawes agaynst theft hath only p̄vided for the dammage of the wronged party, it is therefore ordred by this Courte & the authoritie thereof, that what person whatsoever shall steale from any p̄son any coyne, goodes, or chattles, to the value of ten shillingℓ or vpwardℓ, shall be whipt, or pay such a sume of money as the Court or magistrate that hath prop cognizance thereof shall adjudge to be suffycient to satisfie all costs & charges of the Court & countrie, in p̄secuteing & tryinge the s̄d offendo^r, to the vse of the common treasury; and for smaller theftℓ it is left to the discretion of the judge or judges that shall haue cognizance of the crime to ap̄oynt smaller mulctℓ, or punishmentℓ, or any legall admonition, as they shall find cause; & further, it is ordred & declared, that, when any goodℓ are stolne from any p̄son, the

constable of the towne, by warrent from authoritie, shall search for the same in any suspected places, or howses, & vppon search, or otherwise, if he shall find the same, or any part thereof, or any ground of suspicion apearinge to the offico^r, he shall bringe the delinquent, or suspected party, to a magistrate, to be pceeded with according to the law; and if any pson, having goodes *stolne from him, shall priuately receiue his sd stolne goodes, (except the fact be priuate, or committed by some member of his owne family,) & so smother the theft, & shall not legally psecute the offendo^r, he shall forfeite to the common treasure the goodes or chattles so receiued, or the true value thereof.

1652.

27 May.

[*335.]

It is ordred by this Court & the authoritie thereof, that if any pson or psons, repayreing to any publicke officer of this jurisdiction, to view any record, or other writeing committed to his charge, shall wittingly & willingly deface or rend any such record or writeing, vppon complaynt of such officer to any magistrate, & profe by oath of the sd officer, euery pson so offending shall forfeit to the party concerned therein treble the dammage y^t might haue ensued or accrewed to him or them thereby, & shall also be fined as much to the country, or suffer two monethes imprisonment without bayle or maynprise, or stand in the pillory two howers in Boston market, wth a paper ouer his head in capitall letters, A DEFACER OF RECORDS, the speciall or p^ticuler punishment to be determined by the next County Court where the offence was committed, & shall also stand bound to the good behavio^r dureing the pleasure of the Court.

Records, penalty for defacing.

Forasmuch as diuers inhabitant^l within this jurisdi^co, who haue longe contynued amongst vs, receiueing p^tection from this gouernment, haue, as we are informed, vttered offensiue speeches, whereby their fidelitie to this gouernment may justly be suspected, and also that diuers straungers of forraigne part^l, of whose fidelity we haue not that assureance which is commonly required by all gouernment^l, it is therefore ordred by this Court & the authoritie thereof, that the County Court^l, or any one magistrate out of Court, shall haue power, & is hereby authorized, to require the oath of fidelitie of all settled inhabitant^l amongst vs who hath not already taken the same, as also to require this oath vnder written of all straungers who, after two moneths, haue their abode here; & if any pson shall refuse to take the respectiue oath, he or they shalbe bound ouer to the next County Court, or Court of Assistant^l, where if he shall refuse, he shall forfeit fīue pound^l a weeke for euery weeke he shall contynue in this jurisdiction after his sd refusall, vnles he can giue suffycient securitie to the satisfaction of the Court, or magist^r, for his fidelitie dureing his or their residence amongst vs; *the oath to be as followes: I doe acknowledge my selfe subject to the lawes of this jurisdiction dureing my residence

Oath of fidelity for straungers.

[*336.]

1652.

27 May.

Burning
howses made
fellony.

vnder this gouernment, and doe here sweare, by the name of God, to be true & faythfull to the same, & not to plott, contriue, or conceale any thing that is to the hurt or determent thereof. So help, &c.

Whereas some dwellinge howses, & other howses within this jurisdiction, haue benne set on fire, & the meanes or occasion thereof not discouered, though some psons haue been vehemently suspected to haue been instrumentall therein, the Court, takeing into consideration the daunger of such a wicked enterprise, especially in townes where the howses are neere adjoyninge, & there being yet no law pvided for the punishment of so heinous a crime, doth therefore hereby order, & be it enacted by the authoritie of this Court, that any pson or psons whatsoeuer, of the age of sixteene yeares & vpward℥, that shall, after the publication hereof, wittingly & willingly set on fire any barne, stable, mill, outhowse, stackes of wood, corne, or hay, or any other thinge of like nature, shall, vppon due conviction by testimony or confession, pay double dammage to the party damnified, & be severely whipt; and if any pson of the age aforeſd shall, after the publication hereof, wittingly, willingly, & feloniously set on fire any dwelling howse, meeting howse, store howse, or shall, in like manner, set on fire any outhowse, barne, stable, leantoo, stackes, or corne, hay, or wood, or any thinge of like nature, whereby any dwelling howse, meeting howse, or storehowse comes to be burnt, the party or parties vehemently suspected thereof shalbe apprehended by warrent from one or more of the magistrat℥, & committed to prison, there to remayne without bayle till the next Court of Assistant℥, who, vppon legall conviction, by due profe or confession of the crime, shall adjudge such a pson or psons to be put to death, & to forfeit so much of his land℥, good℥, or chattles as shall make full satisfaction to the party or parties damnified.

Mault to be
cleansed.

It℥ ordred by this Court, that no maulster, or maker of mault, after publication hereof, shall deliuer or pass away any mault, by him or his pcurment made, before it be cledsed from the dust & tayle which arising in the makeing, drying, & ordring of it in his hande, on pœnalty of 12^d a bushell, vppō legall conviction before any magistrate or Court, the one halfe to the informer, the other halfe to the country.

[*337.]

A law about
troopers.

*The Court beinge informed that seuerall psons gaue in their votes for the choyce of cap℥, lieu℥, cornet, & other officer℥ of Suffolke, who were not freemen, nor had tooke the oath of fidelitie, they cannot approue of such, their choyce being contrary to law, but judge it meet that the seuerall trooper℥ should pceede to a new election of cap℥, lieu℥, cornet, quarter m℥, &c, & p̄sent such psons that shalbe legally chosen to the next County Court, to be confirmed & approued off.

It℥ ordred by this Court, that the choyce of a serg^t major for the regiment of the county of Suffolke be suspended vntill after the next session of this Court.

1652.

27 May.

Whereas captaynes, leiutenant℥, & ensignes haue bin hitherto exempted by law from cunstables watches, it℥ ordred by this Court, that henceforth the serg^t℥ of the seuerall companyes shall haue the like liberty to be freed from constables watches.

Choyce of a
major sus-
pended.
Sergeant℥
exempted frō
watchinge.

It is ordred by this Court & the authoritie thereof, for the encouragment of those who haue, or shall hereafter list themselues for trooper℥ in any county of this jurisdiction, that they shall haue all priuiledges formerly graunted still contynued; & that such souldyer℥ listed, amounting to the number of thirty, shall be accompted a troope, & haue liberty of choyce & nomination of cap^t, leiut^t, cornet, & quarter master, who, being allowed by the authoritie of the Court, shall stand by comission, & all other inferior officer℥ to be chosen by the company & established by the cheife commander of the troope; & that all such trooper℥ shall keepe a good horse, & well fitted with saddle, bridle, holster℥, & pistoll℥, or a carbine, & sword, & hauinge listed his horse, shall not alter nor put him off without licence from the commaunder in cheife; & the s^d troop shall be exercised accordinge to law.

Troopers liber-
tic.

Whereas there is no time exprest by law when the constables watch shall begin & end, it is therefore ordred & enacted by the authoritie of this Court, that henceforth all constables watches, in euery towne within this jurisdiction, shall begin the first of May & end the last of September, vppon the paine or pœnalty of fīue pounds vppon euery constable neglecting. *And it shalbe the speciall care of euery constable to se that the watch be so warned, that it may not consist of all or the greater part youthe, but that able men be joynd with them; p^rvided, that it shalbe in the power of the select men of Boston, Charlstowne, & Salem to giue order to the constables of their seuerall townes to begin their watches sooner, and to contynue them for longer time, as they shall se occasiō.

Law for watch-
inge.

[*338.]

Whereas it hath been evidenced vnto this Court, that much damage hath formerly arisen to march^t℥ tradeing hence, by bad makeing of fish, & the credite of o^r trade there in hath much suffred, tending to the p^rjudice of o^r commerce with other nations; wherefore it is ordred & enacted by this Generall Court & the authoritie thereof, that at euery fishing place wthin this jurisdiction, some discreet & honest pson be appoynted by the County Court vnto which such fishing place doth belonge, & those psons so nominated & appoynted are by this Court impowered to giue the oath, hereafter exprest, vnto such psons as shalbe chosen by the deliuer℥ of any fish, who haue libertie

Fish to be
viewed.Fish viewers
established.

1652.

27 May.

hereby, either of them, to choose one or more sufficient & knowing men, in such cases, to view what fish is delivered & received, which viewers shalbe sworn as afforesd, & what fish they approve off as marchable the receiver shall accept, & what is refuse fish shall be cast by; & the sd viewers, for their labours & paynes afforesd, shalbe allowed one penny p kentall for so much marchable fish as he or they shall view, to be payd one halfe by the deliverer, the other halfe by the receiver. & for further direction to viewers in triall of fish, it is hereby ordred, that all sunne burnt, salt burnt, & dry fish that hath been first pickled shalbe judged vnmarchantable fish.

The viewers
oath.

You shall swere, &c, that you shall impartially view such fish as is presented before you, & determine what part thereof is marchantable, & what part is refuse fish, & vnmarchantable, according to yo^r best skill, knowledge, & judgm^t. So help you, &c.

To prevent de-
ceite in baker^y.

[*339.]

Whereas it appeares to this Court that there is much deceite used by some baker^y & other^y, who, w^h the clarkes of the market^y comes to weigh their bread, pretend they haue none but for their owne vse, & yet *afterwards put their bread to sale, which, vpon triall, hath been found to light; for prevention of such abuses for time to come, it is ordred by this Court & the authoritie thereof, that all psons within this jurisdiction who shall vsually sell bread, within doores or without, shall at all times hereafter haue all their bread, that they either put to sale or spend in their families, made of assizes, marked & yeilded to triall of the afforesd clarkes, as is directed for bread, by order of this Court, in the printed booke, pag 3, tittle Bakers, & vnder the pœnalties therein exprest.

About the neg:
vota.

Whereas there is a manifest & inconvenient mistake in the pening of the order, tittle Generall Court, pag 8th of the last printed booke, that leaues all or most of the cases formerly issued in the Generall Court doubtfull & vncertaine, & takes away the negatiue vote both of magistrates & deputies, in making lawes as well as in cases of judicature, which was not intended, much less consented to, it^y therefore ordred by this Court, that the sd law be repealed, & in steed thereof this ensueing order established: It is ordred by the authoritie of this Court, that for tyme to come, if there fall out any difference betwixt the Magistrates & the Deputies, in any case of judicature, either ciuill or criminall, it shalbe determined by the major part of the whole Court.

Lymitations of
indytmt^y &
complaynt^y.

It is ordred, & by the authoritie of this Court enacted, that no person shalbe indited, presented, informed agaynst, or complayned of, to any Court or magistrate within this jurisdiction, for the breach of any pœnal law, or any

other misdemenor, the forfeiture whereof belong℥ to to the country, vnles the
 ſd inditement, pſentment, information, or complaynt be made & exhibited
 within one yeare after the offence be comitted; & if any ſuch pſentment, in-
 ditement, information, or complaynt be not made within the tyme lymited, then
 the ſame ſhalbe voyd & of none effect; pvided alwayes, that this law ſhall not
 extend to any capitall offences, nor any crimes that may concerne loſs of member,
 of baniſhment, or to any treasonable plott℥ or conſpiracies ag^t the common-
 wealth, nor to any felonies aboue ten ſhilling℥; nor ſhall it hinder any pſon
 grieved for any wrong done to him or his wife, children, ſervant℥, or eſtate,
 reall or pſonall, but that euery ſuch pſon ſhall haue ſuch remedies as former-
 ly he might or ought to haue. This law not to be of force till after the firſt of
 September next.

1652.

27 May.

*This Court, haueing pꝛſed a paper pſented by ſeuerall gentlemen con-
 cerning the ſetling of trade, & the well improuement thereof, doth thankfully
 accept of their paynes & good endeouours therein, & doe therefore thinke
 it meete to elect a counsell, as is ſuggeſted, to make a triall of what, with
 Gods bleſſing, may be effected; to which end this Court doth deſire M^r Nathan-
 iel Duncan, of Boſton, M^r Thomas Broughton, M^r Nicholas Daviſon, M^r
 Richard Ruſſell, Cap^t Thomas Clarke, & Cap^t Thomas Sauage, to be the
 counsell to conſider of all ſortes of tradeing, & to conſult about the beſt
 wayes of improueing the ſame, & to meete together in ſome place in Boſton
 or Charlotowne, where themſelues ſhall appoynt, & haueing agreed of ſuch
 thing℥ as they conceiue to be good & pfitable for the aduance of trade-
 ing, to pſent the ſame to the next following ſeſſion of the Generall Court, to
 be approued of, if y^e ſd Court ſe it good.

[*340.]

To regulate
tradeing.

Whereas the right ordering & ſetling of the militia of this common
 wealth is of great concernment vnto the welbeing thereof, & that a time of
 peace, through the good hand of God, giues liberty therevnto, it is there-
 fore ordred by this Court & the authority thereof, that no company of
 ſouldier℥, in any towne within this iuriſdiction, (except thoſe already allowed
 of,) ſhalbe accounted a foot companye to enjoy the priuiledge of election &
 nomination of cap^t, leiu^t, & enſigne, or any of them, vnles they be compleatly
 full, to the number of ſixty fower perſons, beſides ſuch officers to be choſen;
 & y^t in all townes & places where there is to that number of ſixty fower
 liſted, & by law tyed to attend all ordynary trayning, they ſhalbe accounted
 a foot company, & enjoy thoſe priuiledges; & where there is or ſhalbe a
 leſs number then aboue ſpecified, they ſhall haue liberty to chooſe ſergeant℥
 & other inferio^r officers; which, being ſo choſen, ſhall inſtruct thoſe ſouldiers,
 & trayne them in the vſe of armes, eight dayes in the yeare; & the major℥

For ſetling the
militia.

1652.

27 May.

[*341.]

Militia.

of the seuerall regiment℥ shall haue power to order & regulate the smaller townes, & to joyne them into one compleat company, which shall haue liberty of the choyce of all officer℥ as affore^sd. And it is further ordered by this Court & the authoritie thereof, that all Scotsmen, *Neger℥, & Indians inhabiting with or servant℥ to the English, from the age of sixteene to sixty yeares, shalbe listed, & are hereby enjoyned to attend trayninges as well as the English, & that euery company shall haue two drumers; & it is further ordered by this Court & the authoritie thereof, & be it hereby enacted, that where in any towne or plantation within this jurisdiction, the number of trayned souldyer℥ listed, & by law are to attend constant trayning℥, shall arise to the number of 200 men, that then such souldyer℥ shalbe devided into two companyes; if to three hundred, then to deuide into three companyes; & so pportionably; & that the seuerall companyes of the ^sd towne or plantation shall haue liberty of choyce & nomination of all their officers in their seuerall companyes, as aboue specyfyed, according to former lawes in that case p^rvided, & that all such officer℥, together with the major℥, nominated & approued off according to law, shall haue commissions from the Generall Court, for the holding their places & exerciseing of their duty in their seuerall charges.

And whereas diuers farmers & other inhabitant℥ haue their dwelling℥ at such distance as y^t they cannot attend the trayning℥ with the companyes in the towne whereto they doe belong, the captaynes vnder whose commaund they be (their dwelling℥ being three miles distant from the meeting howse of such townes) may appoynt that such souldyers, if they be twelue or more in number, be trayned six dayes in the yeare, by some officer of the company, in such place or places as the ^sd farmers or inhabitant℥ may meet in; & y^t the ^sd farmers & inhabitant℥ shall trayne twice in the yeere with the company to whom they do belonge. It is further ordred by the authoritie afore^sd, that all the militia of Boston, both infantry & great artillery, till the Generall Court or councell of the country can be assembled, shalbe ordred by a committe of militia, w^{ch} shall consist of the magistrat℥ in the ^sd towne, & the three chiefe military officer℥ inhabiting in the ^sd towne, whether of the regiment or companyes, who shall haue a commission from the Generall Court of the like teno^r that Major Edward Gibbons had graunted, anno 1645, as appeares, pag 33, in the records of the Howse of Deputyes. And it is further ordred, that the ^sd committe of militia shall haue power to appoynt a military watch, when they shall see cause, for the safty *of the towne & country; & in all emergent cases any three of them may act, when, due meanes beinge vsed, a greater number cannot be assembled. It is further ordred by the authoritie afore^sd, that Charlstowne, Salem, & Ipswitch shall haue a like

[*342.]

committee of militia, who shall haue like power by commission; & for all other townes wthin this jurisdiction, where there is one or more magistrates, the s^d magistrate or magistrates, with the cheife military officers, shall haue the power of the militia of the s^d townes; & in those townes where no magistrate hath his aboade, the deputy or deputyes chosen by the s^d towne or townes for the Generall Court of Election from time to time, hauing their aboade in those townes, with the cheife military officers of such towne or townes, or any three of them together, shall haue power as the committee of militia for the s^d towne or townes, who shall haue power of counsell for the best ordning of the militia of their seuerall townes, till the Generall Court or councill of the country can be assembled, and vpon all occasions of alarme or any invasion, to strengthen their quarters, & to oppose any approaching or assayling of them in any way of hostilitie, by bearing of armes in companies, or refusing vpon such approaches to come vnder comāund or giue account what they are & wherefore they are in such posture: further, euery such com^{it}tee of militia in any towne within this jurisdiction where any alarme shalbe giuen or receiued, or shalbe assayed, as afore^sd, is, by the authoritie afore^sd, required, with all possible speed that may be, to giue intelligence to the next magistrate & majo^r of the regiment where such alarme is taken, or assault made, of the reason thereof, & state of the place so assayed. Further, it is ordred by this Court & the authoritie thereof, that there shalbe the continuance of regimentall officers in the seuerall countyes vnder the tytle of majo^rs, who in times of peace are to attend their duties & exercise of power as is inioynd by law, tytle Military, pag 39; & in case of alarme, or any assault vpon any quarter within his regiment, he shall haue power, & is hereby required, to send forth to procure intelligence of the state of any place so alarmed or assayed, & to order assistance to them from any other company or companies of his regiment, as the case shall require; & that the majo^r shall giue constant intelligence to the Gouverno^r, or counsell of the *country, & majo^r generall, of the state of the matter, with all convenient speed. It is further ordred by the authoritie afore^sd, that no majo^r of any regiment shall march with his regiment out of the county wherein he hath comāund, nor cause any part thereof so to doe, without order from the Generall Court, councill of the country, or majo^r generall, except it be in per^sute of an enemy vpon a route; & in case of death or absence of the majo^r, the eldest capt to supply his place till a new be chosen.

1652.

27 May.

Militia.

[*343.]

The Generall Court of the Matachusett^l to D: D:, Sergeant Majo^r.

Majo^rl commissions.

Whereas you are chosen & allowed by the authoritie of this common

1652.

27 May.

wealth to be serg^t major of this regiment of : M :; these are therefore to will & require you to take care & charge of the s^d regiment as sergeant major, & diligently to intend the service thereof, & to exercise yo^r inferior officers & souldiers, in peace & warre, accordinge to law, commaunding them to obey you as their serg^t major for the service of this common wealth, & you to obserue & obey such orders & directions as from time to time you shall receiue from the major generall, or other superio^r officers or authoritie of the common wealth, according to law.

Captaynes
commissions.

The Generall Court of the Matachusett^l to J: H:, Captayne.

Whereas you are chosen & allowed by the authoritie of this common wealth to be cap^t of a foot company, these are therefore to will & require you forthwith to receiue & take the s^d company in to yo^r care & charge, as captayne, & diligently to intend the service thereof, & to exercise yo^r inferior officers & souldiers, in peace & warre, accordinge to law, commaunding them to obey you as their captayne, for the service of this common wealth, & you to obserue & obey such orders & directions as from time to time you shall receiue from the major, or other superio^r officers or authoritie of this common wealth.

Leutenant^t
commissions.

The Generall Court of the Matachusett^l to A: B:, Lieu^t.

Whereas you are chosen & allowed by the authoritie of this common wealth to be lieutenant of a foote company, vnder the conduct of J: H:, cap^t, these are therefore to will & require you to take the s^d company into your care & charge, as lieu^t, & diligently to intend that service, & exercise yo^r inferior officers, in peace & warr, according to law, comāunding them to obey you as their lieu^t, for the service of this comōn w:, & to obey such orders & directiō^l as frō time to time y^u shall re^c from the cap^t or other superio^r officers & authoritie of this common wealth.

[*344.]

Ensignes
commissions.

*The Generall Court of the Matachusett^l to E: C:, Ensigne.

Whereas you are chosen & allowed by the authoritie of this common wealth to be ensigne of a foote company, vnder the conduct of J: H:, captayne, these are therefore to will & require you forthwith to receiue & take the s^d company into yo^r care & charge, as ensigne, & diligently to intend the service thereof, & to exercise yo^r inferior officers & souldiers, in peace & warr, according to law, comāunding them to obey you as their ensigne, for the service of this common wealth, & you to obserue & obey such orders & directions as from time to time you shall re^c from your captayne or other superio^r officers & authority of this common wealth.

Whether a person, convict of three seuerall offences of drunknes, & neuer convicted before authoritie before the last time, shalbe fined aboue thirty shilling℥, which the Court resolves in the negatiue.

1652.

27 May.

Resolution of
a quæstion.

Mr Thomas Gayner, p̄fering a petition to the Court for releife, in respect of some injury done him touching the sale of the shipp Planter, concerning which there past seſſall votes, the issue whereof was, that both the returnes of the Magistrates & Deputyes respecting the difference about the County Court should be so blotted out as neuer to be seene or reade any more.

Mary Woody, of Roxbury, p̄fering a petition to this Court for the alteration of the last will & testament of her late husband, John Woody, that more of his estate might be conford on her, receiued this answer: that the Court saw no reason to grant the petition, the petitiono^r hauing such a p̄portion of the estate of her husband, deceased, allowed to her, as the estate will beare & the law p̄vides, & therefore would not alter the s̄d will, but that there be an agreement of all p̄tyes concerned therein, among themselues, to improue the estate for the benefitt of the widdow & child.

Woodyes an-
swer.

William Blanton, being p̄sented by the graund jury for selling beere at 4^d the quart, & also fined by the commissioners of Boston for the like offence, p̄fered a petition for releife to this Court, & receiued this answer: that the Court doth judge the s̄d Blanton both justly p̄sented & fined.

Blantons an-
swer.

The towne of Dorchester, being fined fīue pounds for neglecting to erect a bridg̃ ouer Naponset Riuer, vppon theire petition haue theire fine remitted, p̄vided the s̄d bridge be built, according to law, wthin three monthes, or befō the first of the 7th moth next; & if not, the s̄d fine to take place according to the Court order, the makeing of such bridges ouer such riuers being no more then is vsuall in the like case.

Dorchesters
answer.

*Mr Joseph Hills, wth the consent of Hanna, his wife, & Mr Petter Buckley, theire vnkell, p̄fering a petition for the confirmation of the sale of a howse & certayne lands, sould by his wife in the time of her widdowhood, hath his request graunted; as also power is hereby giuen & granted to the petitiono^r℥ to make sale of such land as yet remaynes vnsould, by the consent & advice of Mr Buckley, p̄vided satisfaction be made to the children of Mr Mellowes, according to what the land shalbe sould for aboue what it is prised in the inventory.

[*345.]

Mr Hills an-
swer.

In answer to the petition of Jonathan Wade, of Ipswich, for fower hundred acors of land graunted him, for & wth respect to fifty pounds by him formerly disbursed for the vse & behoofe of the country, this Court doth order the s̄d land shalbe layd out on any side of Nashaway bounds, within a mile or two thereof, according to his request.

Answ: to Wade.
Jonth^a Wade.

1652.
 27 May.
 Hampton
 boundes to-
 wards Pascata-
 qua.

Mr Thomas Bradbury, Mr Samuell Winslow, & Samuel Hull, beinge appoynted as comissiono^rℓ to lay out the northermost line of Hampton boundes, towards Pascataq, haue determined that the north line shall extend five miles from Hampton meeting howse, & from thence vppon an east line to the sea, & with the westerly line vntill they come within two miles of Exeter p^sent meetinge howse, & the rest of the line, which was to extend as farr as Salisbury boundes, they left to further consideration. Subscribed wth there hands, 6: 8: 51.

The Court, haueing p^sved this returne of the commissiono^rℓ, approue of what they haue done respecting the laying out of the bounds of Hampton, afore^sd, p^rvided it intrench not on any former graunt.

Mr Samuell Winslow, Mr Thomas Bradbury, & Leiu^t Robert Pike, being appoynted to lay out the west end of Hampton bounds, vppon their request, haue liberty graunted them till the next session of this Court to accomplish the Court order therein.

Answ. to An-
 deuour.

Andover.

In answer to the petition of the inhabitant^ℓ of Andevour for enlargment of their bounds, it is ordred that Capt^t Johson, of Wooburne, Nicholas Holt, of Andevour, & Thomas Danforth, of Cambridge, be a committe to lay out the bounds of Andevour, what they judge equall between Andevour & Cambridge, not tying them to fower or six miles, but what they judge equall betwixt fower & six, or any two of them, makeing returne of what they shall doe *herein to the next session of this Court. & further, it is ordred, in respect of Rowleyes five hundred acors, that it be layd out on the south angle, & also that the south bounds of Andevour be six miles. *

Pembertons
 answer.

In answer to the petition of James Pemberton, who p^rduced seuerall testimonies for his intrest & p^rppietie to an iland called Pembertons Ilанд, it is ordred by this Court, that, if Pemberton, his attorney, heires, or assignes, shall make prooffe vppon oath, according to law, that he had possession & improuement of the s^d iland by the consent & approbation of the antient inhabitant^ℓ or planters resident in or about the Matachusett^ℓ Bay aboue fower & twenty yeares agoe, then the s^d iland shalbe, & is declared to be, his & his heires for euer, the oath to be taken at the next County Court, who shall recorde the same & certify the next session of this Court thereof.

Indians an-
 swer.

Whereas Ninicrott, an Indian, made a complaynt ag^t two other sachems, viz^t, Pumhom & Wotapunkum, causing them to appeare at this Generall Court to answer his complaynt, the s^d Ninicrott not appearing to p^rsecute the s^d sachems, the case could not be heard; wherevppon it is ordred by this Court, that the s^d Ninicrott shall pay the charges of Pumhom & Wotapunkum, & their inter^rpter, W^m Arnold, the sume of six & twenty shilling^ℓ.

Captayne W^m Hawthorne, Edmund Farington, Edward Needham, & William Longley, being chosen by the townes of Salem & Lynn, at the ap-
 poyntment of the Generall Court, to lay out the Ponds farme, lately Mr
 Humphreyes, did declare that they haue layd it out as followeth, viz^t: from
 a pyne tree, marked on both sides, standing on a poynt of land on the south
 side of Longe Meddow, & from thence on a streight lyne to an other pyne tree
 standing on a poynt of land by Stones Meddow, marked as aboue^sd, & so on
 the south side of Stones Meddow, & so by trees, as they are marked on two
 sides, to the playne on the south side of the pond, alonge by a swamps side, &
 so by the east side of the playne, & from thence as the trees are marked, &
 so to a rocke betweene the fore^sd farme & the land of Rob^t Moulton, & from
 thence cross the end of a high hill to a marked pyne by Long Meddow, on
 the north side, ouer agaynst the former pyne marked as aboue^sd, and this not
 to p^judice the agreement made betweene Mr Winthrop & the towne of Lyn,
 in the exchang^e *of part of Stones Meddow for part of Long Meddow, sub-
 scribed with their hands the 15 of y^e 2^d moth, 1652. The Court, haueing
 p^rvsed this returne, approue of it, & doe order that the bounds of the ^sd farme
 shalbe as is before exprest.

1652.

27 May.

Mr Winthrops
farme.Ponds farm de-
scribed.

[*347.]

The towne of Douer desireing that Mr Bellingham may be judg of that
 Court this yeare, as also y^t Mr Georg^e Smith, Mr Richard Walden, & Mr Val-
 entine Hill, might be associates, haue their request^e graunted, p^rvided Mr
 Hill may be exempted, according to his desire, & also y^t Mr Belingham be
 desired to attend the keeping of the County Court^e of Norfolke, Hampton, &
 Salisbury, aswell as Douer & Strabery Banke, for the yeare ensuing.

Douers desire
granted.

Edmund Jackson, being a feoffee in trust for the wife of Thomas Joy &
 her children, in reference to an estate in a mill at Hingham, vpon his re-
 quest to this Court, is discharged of his ^sd trust, p^rvided the feoffee^mt be
 giuen into the County Court, & provision made that Thomas Joy may not sell
 the mill & lands without the consent of the Court, but only repayre the same,
 & haue out of the rent thereof for his charges, but the propriety to be his
 wiues & childrens, according to his first deed.

Jacksons an-
swer.
Edmund Jack-
son.

Mr Bellingham & Cap^t Wiggin is intreated & appoyntd to keepe County
 Court^e in Norfolke for this yeare ensuing.

Norfolke
Court^e.

The Magistrat^e not consenting to the verdict of the jury in Parsons case,
 the cause coming legally to the Generall Court for issue, the Court, on p^rvsall
 of the evidences brough in ag^t him for witchcraft, doe judge that he is not
 legally guilty of witchcraft, & so not to dy by o^r law.

Parsons case.
Witchcraft.

The husband of Elizabeth Fayrfield, being longe since judged for some
 miscariags of his to weare a rope about his neck during the Court^e pleasure,

Farfields an-
swer: leave to
drop the rope.

1652. vppon her request to this Court, hath liberty graunted him to lay the rope aside.

27 May.
Warner's answer: has leave to go to England.

Joh. Warner, of Warwicke, desireing liberty to shipp himself & family for England, from some of o^r port^l, hath his request graunted, p^rvided he take vpp his abode in the shipp, & thence not to come forth vntill his departure, except vppon vrgent occasion for his voyge, by order from two magistrates.

31 May.
North line of y^e jurisdiction.

The 31th of the 3^d moth, 1652. On p^rvsall of o^r charter, it was this day voted by the whole Court, that the extent of the line is to be from the northmost part of y^e Riuer Merimacke, & three miles more north, where it is to be found, be it an hundred miles, more or less, from the sea, & thence vppon a streyght line east & west, to each sea; & this to be the true inter^rptatiō of the termes of the lymitt^l northward graunted in the patent.

[*348.]
Shawes order for 8th.

*Whereas the surveyo^r generall did arest Roger Shaw, of Hampton, for eight poundes, for a barrell of powder, which was due from the towne of Hampton, & the s^d Roger Shaw did acknowledge a judgm^t of the same, this Court doth order & hereby require, & giue full power & authoritie to, the cunstable of Hampton to make a leuy vppon the inhabitant^l of Hampton for the payment of the fore^sd s^ume of eight poundes, together with two shilling^l six pence for entring the petition, as also so much more as may defray the charge of transportinge the same to the surveyo^r generall afore^sd, vnto the s^d Roger Shaw, within thirty dayes after notice giuen, & that in corne or cattle, at prise current.

Way from Redding to Winesemett.

Whereas this Court did long since appoynt sundry p^rsons to lay out the way from Redding to Winesemett, which is not yet determined, & some of the p^rsons mentioned in the s^d order are dead, and forasmuch as it was ordred by Cambridge Court, that it should forthwith be done by the townes of Redding & Malden, it is now ordred by this Court, that the laying out of the s^d highway shalbe done by the townes of Redding & Maldon, according to the law in that case provided, any act of this Court to the contrary notwthstanding.

Answ. to Muninges.

In answer to the petition of Georg Muning^l for the disposall of Alce, the Welchwoman, now in p^rson on suspicion of fireinge a howse, it^l ordred, that the s^d Alce shalbe sent to England, to returne to her natieue country, at the countryes charge.

Answer to Margery Eliott.

In answer to the petition of Margery Eliot, widdow, for the confirmation of y^e sale of a certayne p^rcell [^] land, sould by the deacons of the church of Boston, administrato^rs to Sam^l Sherman, vnto Jacob Eliot, deceas^d, it^l ordred, that the answer to this petition should be respited vntill the next session of this Court, & in the meane tyme that the administrato^rl giue in their accō to the next County Court of the estate of Samuel Sherman, deceased,

that so the Court may take order to secure the estate of the children, & then this Court may giue further answer herevnto. 1652.

The psident & fellowes of the colledge, pferring a petition for the repayration of the colledge buildinge, & some addition therevnto, receiued this answer; that the comission^{rs} of the colonyes, at their last meeting, havinge taken into consideration the colledge, & the aduancement of learninge there, haue, as we are informed, sent to England, if it may be, to p^{re}cure some helpe from the corporation out of such money as is collected there for y^e Indians.

*The Court therefore thinkes it will be meete to respite any further answer to this petition vntill we heare from England, & in the meane tyme that the ouerseers, psident, & fellowes of the colledge be desired to write to the elders of the seuerall churches, that they may, wth all convenient speed, commend it to the consideration of the townes where they dwell, for a voluntary contribution, that so there may be a speedy repayration of that w^{ch} psent necessitie calls for to be done. [349.]

In answer to the petition of Edward Burt for liberty to make salt in a new way, it^l ordred, that his petition be graunted thus farr, viz^t: first, that he shall make salt after his manner, & none other after the same way, for the terme of ten yeares only. 2^{dly}. The Court thinkes not meete to graunt him those tw: ilands so neere to Salem, mentioned in his petition, seing it will be very pjudiciall to the towne in diuers regards. 3^{dly}. Yet doe hereby order, that the secretary should write a letter to Gloucester, to desire them that the petitiono^r may set downe the salt workes at the very cape, where there is wood & fitting water for that worke, without any inconvenience to y^e towne, but rather a benefitt to them, pvided that the petitiono^r follow this imployment. Edw. Burt answer.

It^l ordred by this Court, that Capt Bozoone Allen & Ensigne W^m Davis shalbe a committee to consider of all the defect^l that are found in the tanning of leather, & to psent such wayes & meanes to the next session of this Court as may pbably pvent all manner of abuses concerning the same. Committee for tanning.

In answer to the petition of M^r W^m Hubbard, of Ipswich, it is ordred, that he shall haue (in consideration of money formerly disbursed for publicke vse) fve hundred acors of land, to be layd out by Joseph Jewet & Joh Gage, of Ipswich, on the north side of the bounds of Haverill, & within two miles of their outmost line. Mr Hubbards graunt of 500 acors, &c.

Whereas in times past, before the Court^l were kept in in Middlesex, the records of the lands of the seuerall townes within that county were kept in Boston, vpon the request of the deputy of Sudbury, in the behalfe of their towne, it is ordred, that the secretary shall deliuer the booke of records of Sudbury record.

1652. lands, sales, alienations, &c, to the deputy of Sudbury, which concernes
 31 May. that towne, that so they may deliuer the same to the recorder of their owne county.

Vintnor^e answer.

[*350.]

The vintnor^e of Boston & Charlestowne, p^rfering a p^et for the raising the prise of wines by retayle, in respect of the scarcitie of wines, re^d this answer: *that the Court judgeth that the petitionor^e ought to p^rforme their couenant & agreement made with the country, although they loose thereby, as well as they haue & would be contented to reape the great p^rfitte when wines were cheape.

Recorder of Middlesex.

It^e ordred by this Court & the authoritie thereof, that Thomas Danforth shalbe the recorder for sales of lands & morgages for the county of Middlesex.

Mr Mathews case.

The Court, having p^rsed & considered of the satisfaction tendred by Mr Mathewes, & finding it not to be such & so full as might be expected, yet are willing so to accept of it at p^rsent as to pass it by; & for the remittment of the church & pastor^e fines, they se no cause to graunt their request therein, the country being put to so great trouble, charge, & expence in the hearing of the cause as far surmount^e the fines.

Ans. to Joh. Hawthorne.

Joh Hawthorne succeeding Joseph Armitage in the ordinary at Lin, & so standing bound to p^rforme his engagment in respect of what he was to pay for drawinge of wine, desiring a remittment of what is due for the last halfe yeare past, receiued this answer: that he should only pay after the rate of fifty shilling^e p butt for what he hath drawne to this time.

Mr Eires ans. w.

Mr Symon Eire beinge encouraged to vndertake the cure of one Joh Symond^e by the County Court, p^rsenting a bill of charges about the sd Symonds to the value of 7^l 16^s, as also 1^l 10^s for phisicke about Mr^s Cole, p^rsenting also a petition for satisfaction, in ans. to which this Court doth order the fore^d sums to be payd by the Treasurer to Mr Eire, according to his desire.

Goun^r gratuite.

This Court doth, with all thankfullnes, acknowledge the good service of Joh Endecott, Esq^r, o^r p^rsent hono^rd Gou^rno^r, in respect of his great care & faythfullnes in the discharge of that trust which was comitted to him the last yeare, & doe, in the behalfe of the country, render him hartly thanks for the same, and desire his kind acceptance of one hundred markes, as a slender manifestation of o^r due respect^e vnto him, vntill we shalbe better enabled to declare it, which we order shalbe payd him by the Treasurer out of the next country rate.

Mr Robt. Knight^e answer.

[*351.]

Mr Robt Knight p^rfering a petition for releife in respect of injury offred him by Sampson Lane, wth reference to a howse & land at Strabery Banke, the hearing of w^{ch} *case is respitted till the Court of Election, ag^t which tyme

it is ordred, that M^r Knight giue notice of his petition to M^r Lane, or others whom it may concerne, that both partyes may be heard. 1652.

Whereas it appeares to this Court, vppon good information, that it is necessary that some care be taken concerning the Castle & the needfull repayration thereof, & therefore this Court doth order, that Majo^r Generall Sedgwicke, Cap^t W^m Hawthorne, Cap^t Lieu^t Norton, Cap^t Leueritt, Lieu^t Thomas Clarke, the surveyo^r generall, Cap^t Atherton, Cap^t Johnson, Cap^t Lusher, & Cap^t Daniel Gooken, or any seuen of them, shall be a co^mitte to consider what is necessary to be done concerning the s^d Castle, & to make returne of what they conceiue needfull about the same at the next session of this Court in October.

31 May.
Castle co^mit-
tee.

Thomas Hawley & Dorothy, his wife, together with Thomas Lambe & Johⁿ Lambe, sonn^s of Th^o Lambe, deceased, p^rferring a petition for the confirmation of a deede of sale of fiteene acors of land sould to W^m Parks, of Roxbury, haue their petition graunted as is desired, & the sale of the s^d land confirmed.

Answ. to Haw-
ley.

Cap^t Johⁿ Leueritt, Cap^t Leiu^t Norton, & M^r Edward Jackson are chosen a committee to take the Treasurers & audito^r generalls acc^o to the Court at the next sessi^o thereof.

Co^mitte for
county acc^o.

Cap^t Willard, M^r Richard Griffen, & Thomas Brookes, being chosen by the freemen of Concord to end small causes there, are confirmed & allowed by this Court so to doe.

The inhabitant^l of Maldon p^rferinge a petition that Thomas Skinner, of their s^d towne, may haue lib^tie to keepe an ordynarie there, hath their request graun^td.

Maldon ordy-
narie.

M^r Robert Pateshall, hauing fve pounds leuied vppon his estate by the townsmen of Boston towards the country rate, vppon his petition to this Court, hath order to receiue the s^d fve pounds agayne from the Treasurer.

Pateshalls an-
swer.

In answer to a letter sent to the Court from M^r Brian Pendleton, of Strabery Banke, concerning their enlargment, the Court is willing to consider thereof when they p^pound any thing to their consideration which may be suteable to such an end, and doe desire & order that M^r Bellingham & M^r Pendleton, with the judges of Douer Court, may keepe Court at Strabery Banke, till the *inhabitant^l of Strabery Banke doe p^rsent some p^rsons y^t haue taken the oath of fidelitie to this Court, to be allowed & confirmed. [*352.]

Answer to M^r
Pendletons
letter.

M^{rs} Dorothy Pester, whose husband went into England some ten yeares since, & was neuer to this day heard of, vppon her petition to this Court, hath liberty granted her to marry when God by his providence shall afford her an oppertunitie.

M^{rs} Pesters
answer.

1652.

31 May.
M^r Knight^e
answer.

In answer to the petition of M^r Robt Knight, the Court doth graunt him three hundred acors of land, in full satisfaction of what he desires in his pe^t, where he can find it, accordinge to law, which if he shall refuse to accept off, he shall haue further answer at the next Generall Court.

Toppans
answer.

Abraham Toppan & Joh Lowle, both of Newbery, sonnes in law to Elizabeth Goodale, desiringe administration of their ^{sd} deceased mother in laws goods in the yeare 1647, had their request^e graunted; but forasmuch as there is no record of the same to be found, vpon their request, it is ordred, that the former graunt of administration by this Court, aboue mentioned, shall be entred as affores^d.

Capt. Keynes
censure.

Whereas Cap^t Robt Keyne beinge acused to this Court for drunkenes, the euidences having been p^{rs}ed, & findinge that he is proued to haue been three times drunke, & to haue drunke to excesse two times, for which offences the Court doth fine him thirty six shilling^e & eyght pence; the charge of the wittnesses appearinge by examination to be the sume of fifty fve shillings & two pence, which this Court orders Cap^t Keyne to discharge. And whereas Cap^t Keyne hath petitioned this Court to lay downe his place as com^{is}sioner, this Court doth assent thereto, as judging him not meet to contynue therein.

Bottolphs an-
swer.

In answer to the pe^t of Leonard Bottolph, craving releife from the sentence of the com^{is}sioner^e of Boston, a remittment of his fines illegally imposed, the Court determines the act of the com^{is}sioner^e in fining the ^{sd} Bottolph forty shilling^e was just & warrentable, & that the second fine of 30^s also, for his affronting authority, was just & warrentable; & lastly, this Court doth order, that the ^{sd} Leonard Bottolph, for his misreporting the com^{is}sioner^e act^e to the Generall Court, charging them to act by an arbitrary power, should pay as a fine 5^{li}, & acknowledg his offence to them, in so doing expressing his sorrow for y^e same, otherwise to be responsall to the next session of this Court.

[*353.]

North line dis-
couered.

*For the better discouery of the north line of o^r pattent, it is ordred by this Court, that Cap^t Symond Willard & Cap^t Edward Johnson be appoynted as com^{is}sioner^e to p^{ro}cure such artist^e & other assistant^e as they shall judge meete to goe with them, to find out the most northerly part of Merimacke Riuer, & that they be supplied with all manner of nessessaryes by the Treasurur fitt for this journey, & that they vse their vttmost skill & abillitie to take a true obseruation of the latitude of that place, & that they doe it with all convenient speed, & make returne thereof to the next session of this Court.

Gayners an-
swer.

In answer to the petition of Thomas Gayner, respecting satisfaction from

Mr Aspinwall, after the Court had heard what both could say, Mr Knight, Mr Gayners attorney, proffred the case should issue there, if Mr Aspinwall would depose that the aquittance he pduced to the Court, vnder Mr Gayners hand, had relation to the shippe Planter as well as to other accō. Mr Aspinwall deposed before the Generall Court, that the sd aquittance was a generall release giuen him from Gayner, & was for all accō & demaunds whatsoever, not only to his owne knowledge, but, as far as he knew, to Mr Gayners also.

1652.

31 May.

Vppon a hearinge of the case betweene Mr Joseph Mason, agent or attorney to M^{rs} Ann Mason, of London, playnt, & Mr Richard Leader, deffend^t, respecting the tytle of land at the eastward, at a place there called Newitchawanett, before the Court exprest themselues in the case, the Dep^t Goũno^r informed Mr Mason that the land in question was voted to be within this jurisdiction, & being demaunded if he did submit there vnto, Mr Mason answered, he did; & after much debate it was at last voted by the whole Court, that the issuing of the case should be suspended, & referd to the next Generall Court of Election to put a finall issue therevnto.

Mr Masons case.

Georg Bowers, of Cambridge, beinge complayned of to this Court, for putting in a vote on the day of election for the Gouvernor, (he being no ffreeman,) he acknowledged the fact, not only this yeare, but euery yeare since he came into these partl, ptending ignorance of the law. The Court orders, that the sd Bowers, for his offence therein, shall pay ten pounds.

Bowers fined.

**Att a second Session of the Generall Court, held at Boston, the 19th of the 8th Moth, Año 1652.*

[*354.]

19 October.

A DECLARATION concerninge the advauncment of learninge in New England by the Generall Court. If it should be graunted that learninge, namely, skill in the tongues & liberall artes, is not absolutely necessary for the beinge of a common wealth & churches, yet we conceiue that the judgm^t of the godly wise, it is beyond all question, not only laudable, but necessary for the beinge of the same. And although New England (blessed be G^d) is competently furnished (for this p^sent age) with men in place, and, vppon occasion of death or otherwise, to make supply of magistrates, associates in Courtes, phisitions, & officers in the common wealth, & of teaching elders in churches, yet for the better discharge of o^r trust for the next generation, & so to posterity, beinge the first founders doe weare away apace, & that it grows

Enacted.

Aduancem^t of learninge.

Contribution proposed for raising a fund to educate the poor.

1652.

19 October.

more & more difficult to fill places of most eminence as they are empty or wantinge, & this Court finding by manifest experience, that though the number of schollers at o^r colledge doth increase, yet as soone as they are growne vpp, ready for publicke vse, they leaue the country, & seeke for & accept of employment elsewhere, so that if timely pvision be not made it will tend much to the disparagment, if not to the ruine of this common wealth; it is therefore ordred & hereby enacted by this Court, that a voluntary collection be commended to the inhabitant^ℓ of this jurisdiction for the raysinge of such a sume as may be imployd for the mayntenance of the p^sident & certayne fellowes & poore schollers of Harvard Colledge, & for that purpose doe further order, that euery towne of this jurisdiction doe chuse one meete person to take the voluntary subscriptiō^ℓ of all such as shall vnderwrite any sume or sumes of money for that purpose, & to make returne thereof to the next Court. And forasmuch as all the colonies are concerned therein, this Court doth order the secretary to signifie to the Gouvernor^ℓ of the seuerall colonies o^r endeouours herein, & to commend the same to them for their help & furtherance in so good a worke.

Nomination of
magistrat^ℓ.

Whereas the meetings of the ffrecmen for nominatiō of magistrates & associates for County Court^ℓ is appoynted in the moneth of Nouember, & the votes so made to lye till the last week of the first moth following, which distance of time is not needfull, and may admitt of sundry inconueniencies, for p^uvention *whereof, it is hereby ordered & enacted, that henceforth the tyme for the election in townes shalbe in the second weeke of the first moneth, with the same p^oenalty the former law requireth, any direction in the former law to the contrary notwithstanding.

[*355.]

Sales to be in
writeinge.

Whereas the way of passinge of howses & landes by sale, in England, is both peaceable & effectuall, namely, by deed in writeinge, sealed & deliuered, with liuery & seizin, or possession giuen of the same before wittnes, or by deed acknowledged & enroled, or by sueing a fine, & that diuers within this jurisdiction are apt to rest vppon a verball bargane or sale for howses or landes of any value, this Court, havinge taken this thing into serious consideration, doth hereby declare & order, for the p^uvention of all clandestine & vncertayne sales & tytles, that henceforth no sale or alienation of howses or landes in this jurisdiction shalbe holden good in law, except the same be done by deed in writing, vnder hand & seale, & deliuered, & possession giuen vppon part, in the name of the whole, by the vendor, or his attorney, so authorized vnder hand & seale, vnles the sd deed be acknowledged according to law, & recorded.

Probate of
wills.

Whereas many marchant^ℓ & seafareinge men, with other strangers that

frequently resort to the county of Suffolke, oftentimes by their deaths leaueinge their estates vndisposed off, & very difficult to p̄serue, in the intremes from one County Court to another, by reason of the distance thereof, their estates are much hazarded to be lost & imbezelled, it is therefore ordred, that it shall & may be lawfull for any two magistrates, with the recorder of the county, meeting together, to allow of any will of any deceased party to the executo^rℓ, or other p̄sons in the will mentioned, so as the will be testified on the oath of two or more wittnesses; and also graunt administra^oℓ to the estate of any p̄son that shall dy intestate within the s̄d county to the next of kin, or to such as shalbe able to secure the same for the next of kin; & the recorder or clarke of the Court is to informe the rest of the magistrates of that county, at the next County Court, of such will proued, or administration graunted, & record them, any law, vseag, or custome to the contrary notwithstanding.

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19 October.

Vppon information of sundry inconveniences arising in the county of Middlesex, by the long distance betwixt the Courtℓ there holden, & that the busines of Courtes there is much increased, it is ordred by this Court & the authority thereof, that henceforth *there shalbe two Courtℓ more there holden in a yeare, viz^t, one vppon the third day in the third weeke of the fourth moneth, & the other vppon the third day of the first weeke in the 11th moth, both to be kept at Charlestowne.

Courtℓ for
Middlesex.

[*356.]

Forasmuch as there hath been a question in this Court about the Indians tytle to landes, this Court, takeing it into considera^o, & willinge that there may be a ffree passage of justice for their right amongst vs, as well as for the English, it is therefore ordred & enacted by this Court & the authority thereof, that what landes any of the Indians, within this jurisdictiō, haue by possession or improuement, by subdueing of the same, they haue just right therevnto, accordinge to that Gen: 1: 28, chap: 9: 1, Psa: 115, 16. And for the further encouragm^t of the hopeful worke amongst them for the ciuillizinge & helping them forward to Christianitie, if any of the Indians shalbe brought to ciuillitie, & shall come amongst the English, to inhabite in any of their plantations, & shall there liue ciuilly & orderly, that such Indians shall haue allotmentℓ amongst the English, according to the custome of the English in the like case. Further, it is ordred, that if, vppon good experience, there shalbe a competent number of the Indians brought on to ciuilitie, so as to be capable of a townshipp, vppon their request vnto the Generall Court they shall haue graunt of landes vndisposed off for a plantation, as the English haue. It is further ordred by this Court, that if any plantatiō or p̄son of the English shall offer injuriously to put any of the Indians from their planting groundes or fishing places, vppon their complayntℓ & prooffe thereof, they

Indians tyties.

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19 October.

shall haue releife in any of the Court℥ of justice amongst the English, as the English haue. Further, it is ordred by this Court and authoritie thereof, & be it hereby ordred, that all the tract of land within the jurisdiction of this Court, whether already graunted to any English plantations or psons, or to ^ graunted by this Court, (not being vnder the qualification of right to the Indians fore recited,) is & shalbe accompted the just right of such English as already haue or hereafter shall haue graunt of landes from this Court & authority thereof, from y^t of Gen: 1: 28, & the invitation of the Indians.

Cunstables
watches.

As an addition to the late law about the cunstables watches in the seuerall townes of this jurisdiction, it is ordred, & by the authority of this Court enacted, that all the inhabitant℥ of this jurisdiction shall henceforth, according as they are warned to serue the country in the cunstables watches, duly & strictly obserue the charge giuen by y^e cunstables. *And the cunstables in euery towne, from time to time, are hereby enjoyned to giue in their charges to all watchmen, that they duely examine all nightwalkers after ten of the clocke in the night, vnles they be knowne to be peaceable inhabitant℥, to inquire whither they are goeing, & what their busines is; & in case of not giueing rationall satisfaction to the watchmen or cunstable, then the cunstable forthwith to secure them till y^e mórninge, & then the cunstable to carry such pson or psons before the next magistrate or cōmissiono^r℥, or three men, who shall in this case haue power, as the cōmissiono^rs haue, to giue satisfaction for their being abroad at that tyme of night; & if the s^d watchmen shall find any inhabitant or straunger after ten of the clocke at night behauing themselves any way deboyst, or that giueth not a reasonable ground to the cunstable or watchmen, or shalbe in drinke, to secure them by cōmittment, or otherwise, till the law be satisfied. And further, the cunstables are *are* to giue the watchmen in charge to se all noyses in the streetes stild, & light℥ put out, except it be vppon necessary occasion, that fires, as much as may be, be p^rvented, any law, custome, or vseage to the contrary notwithstanding.

[*357.]

Cōmissiono^r℥
to giue oath.

It is ordred by this Court & authority thereof, that henceforth it shalbe lawfull for any of the three cōmission^{rs} appoynted to end small causes in the seuerall townes, vppon the request of any pson or psons, to giue oath to any wittnesses or others in any ciuill case, as any magistrate may doe, & euery such oath so taken as affore^sd shalbe accounted authenticall in law, p^rvided they bring in the originall testimony to the Court where the case is to be heard, & deliuer the coppies (if they be required) to the p^rties.

Country high-
wayes.

Whereas the common highwayes betwixt Andeuor & Ipswich, Andeuor & Newbery, Andeuor & Rowley, are not yet layd out, by reason whereof passengers doe suffer great p^rjudice & inconvenience, & the wayes vncapable of

being mended, because vnknowne where they wilbe layd forth, it is therefore hereby ordred, that euery of the afforeſd townes shall, within one moth after the end of this sessions, nominate & appoynt one or two of theire respectiue inhabitantℓ, who are hereby authorized & appoynted to lay out the afforeſd highwayes betwixt the townes before mentioned, & to make returne thereof to the next Court of Election. And it is ordred, that the inhabitantℓ of Andevor shall giue notice to the inhabitantℓ or the prudentiall men of the other townes of the time & place of theire meetinge for the endes aforſd in writing, & if any towne or townes shall neglect to doe what this order enjoynes them, they shall forfeit the sum of fiue poundes to the common treasury; & if any pson *chosen & appoynted by any towne shall neglect his duty herein enjoyned, he shall forfeit the some of forty shillingℓ; pvided, if any of the townes afforeſd shall send two of theire inhabitantℓ, yet they shall haue but one vote in the decideing of any diffrence or controversie that may arise in the laying forth & determining all or any of the afforeſd highwayes; and it is ordered, that if all fflower cannot agree in any p̃ticuler, then any three agreeing shall determine the same.

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19 October.

[*358.]

It is ordred by this Court, that no pson shall for the space of three yeares next ensuing make vse of Mr Joh Clarkes invention for saueing of firewood & warming of rooms wth little costℓ & charges, by which meanes great benefitt is like to be to the country, & especially to these populous places; & if any family or other pson doe by the consent & direction of the ſd Mr Joh Clarke, or without his consent, doth improue, or vse the sajd experiment, they shall pay ten shillingℓ to the ſd Mr Clarke, for which he may sue or implead any pson before any commissioner for the same, as the case shall require.

Fire works to
save fuel.

For the pvention of washing or clipping all such peeces of money as shalbe coyned within this jurisdiction, it is ordred by this Court & authoritie thereof, that henceforth all peeces of money coyned as afforeſd, both shillingℓ & smaller peeces, shall haue a double ringe on either side, with this inscription, (Massachusettℓ,) & a tree in the center on the one side, and New England, & the date of the yeare, on the other side, according to a draught herewthall p̃sented.

Money to be
stamped.

It is ordred by this Court & the authoritie thereof, that all actions triable before the commissionerℓ of the towne of Boston, which shall amount to aboue the value of forty shillingℓ, shalbe lyable to pay for the entry ten shillingℓ, & for euery action so entred, & for all actions vnder the ſd value, the sume of three shilling & fower pence, which shall appertayne to the ſd comissionoℓ of Boston, for the defraying of theire charges; and also that it shalbe lawfull for any one magistrate, & the three comissiono^{rs} in the seuerall townes, who

Entry of ac-
tions.

1652.

19 October.

Lib^{ties} for tri-
alls.

are appoynted to end small causes, to require the sd sune of three shilling℥ fower pence for the entry of all actions proper to theire cognizance, any law or custome to the contrary notwthstanding.

It is ordred by this Court, that, after publication hereof, any pson whatsoever, which hath, or shall haue, ground of action agaynst another, shall haue liberty to impleade & trie any action triable in the Commissiono^r℥ Court of Boston, either in the sd Court, or any other that hath proper cognizance thereof, as is p^rvided in the printed law, pag 1, which giues liberty to the playn^t to try in whether jurisdiction the playn^t pleaseth, where either the playntife or defend^t dwelleth, provided that the summons or attatchment℥ be issued within the limitt℥ expressed in theire commission.

[*359.]

Caske to be
full gage.

*Vpon information of sundry abuses which may arise, & thereby reproach redound to the country, by packing of beefe, porke, & other thing℥ in caske that is not full gage, although the packer doe carefully fill the same as the law p^rvides, it is therefore ordred by this Court, that henceforth euery packer shall see that all caske he packes any beefe, porke, mackerell, fish, or other goodes in, comitted to his care, be of true & full assize & gage, & that he packe the same in no other caske whatsoever, on p^enalty of ten shilling℥ for euery caske by him so packed that is or shalbe defectiue in that respect, the one halfe to the informer, the other halfe to the country. This order to be p^rsently published & posted vp in Boston & Charlstowne, & by the first oppertunity notice hereof giuen to Salem & Ipswich, & that an oath be forthwth drawne for the searcher & packer, who are hereby enjoyned to set there seuerall markes on them.

Guns to be
mounted.

Vpon complaynt made to this Court that seuerall great gunns of the countryes, in Boston & other townes wthin this jurisdiction, ly vnmounted & neglected, it is ordred by this Court, that all townes that haue any such great gunns in theire townes vnmounted as affore^sd, are hereby enjoyned speedily to take care to p^rvide good & sufficient cariages to be in a readynes before the next Court of Election, or else to deliuer all such gunns to the surveyo^r generall, to be disposed off as this Court shall giue direction.

Prises of corne.

It is ordred by this Court, that all sortes of corne shalbe payd in the country rate for this yeare ensuing, at these prises following, viz^t: wheat & barley at 5^s p bushell, rye & pease at 4^s p bushell, & Indian at three shilling℥ p bushell, & all other thing℥ payd in the country rate to be valued according to the prises of all sortes of corne aboue men^cō^d.

Senioritie of
captaynes.

Vppon a motion made to this Court by seuerall military officers for resolution of a question concerning superiority of commaunders in this jurisdiction, this Court doth order & declare that henceforth, according to the custome in military discipline, all captaynes, wth theire companies, shall take place

Officers.

in standing, quartering, marching, & commaunding in the regiment as occasiō shall require, in all respect℥ according to the seniority of their commission in the same regiment, & to the same place of commaund, & no otherwise; referring psonall differences concerning seniority to be determined by the major & officers of the regiment, or the major part of them, according to the law established, and that no cap̃t shalbe capable to commaund as a cap̃t both ouer a foot company & a troope of horse at the same time; & whereas the towne of Boston, in obedience to an order of this Generall Court, haue devided themselues into fower companies, & left it to the determination of this Court which cap̃t should be accounted the eldest in that towne, this Court doth order & declare, *that Cap̃t Thomas Savage shall take place next after Major Edward Gibbons, & that Cap̃t Thomas Clarke shalbe the third; and whereas the south part of the towne had made choyce of Cap̃t Joh Leuerett to be their cap̃t, who was formerly chosen cap̃t ou a troope of horse, & confirmed in y^t place, it℥ ordred, wth relation to them, that they pceed to a new election, & that their cap̃t take his place accordingly.

1652.

19 October.

[*360.]

Whereas by the law, title Military, pag 42, seč 6, euery cap̃t, lieu^t, & ensigne is to be allowed at each County Court, & that, by the late law concerning the militia, made in the third moneth, 1652, euery commission officer, both of horse & foote company, is to haue a commission from the Generall Court, it is ordred by this Court & the authoritie thereof, that vpon the allowance of any such officer by any County Court as afforešd, such as p̃sent them to the Court shall take a certificate vnder the hand of the recorder or clarke of that Court, which he shall forthwith deliuer to the secretary of the Generall Court, who shall speedily draw vp a perticuler com̃ission in parchment, fayrly written, for euery such officer, & deliuer them to the eldest serg^t of each company when he comes for them, & the šd serg^t shall carry them to the Gouverno^r, who shall affix the seale of the colonie therevnto, the šd serg^t payinge fve shilling℥ for each seale, as the order pvides, & shall carry them so sealed to the major generall, who shall transmitt them to the major of each regiment, to be by him, or his order, deliuered to the cap̃t or cheife officer of each company, to be deliuered to each officer to whom the same doth belonge; & for such military officers in any of the afforešd places as were formerly allowed, and haue no written commission to act by, the eldest serg^t of each such company shall take certificate from the recorder of the Court where such officer was allowed, & deliuer it to the secretary to be drawn vp, which shall beare date from the tyme of their allowance, and expedited as afforešd; pvided, that if the major generall, or major of any regiment, be at any time wantinge, the Gouverno^r shall then deliuer any such com̃ission vnto the officer to

Military officers com̃issions, mode of delivery.

1652.

19 October.
Cap^t Gerish
libertie.

whom it doth belonge, or such other officer of his company as shall repayre to him for the same, the secritary being payd six pence for each comissiō.

It is ordred by this Court, that Cap^t W^m Gerish, who standes charged with the commaund of a troope of horse & a foote company, shall haue comission to comaund the horse, & only haue liberty to exercise the foote vntill the company shall otherwise pvide, & p^sent another to take cheife commaund thereof, as a towne company.

[*361.]

Officers al-
lowed.

*This Court haueing giuen liberty to the seuerall troopes of horse in this jurisdiction to compleate their officers, which accordingly the troope of Suffolke regiment hauing done, & made choyce of Cap^t Joh Leuerett for their cap^t, M^r W^m Davis for their lieutenant, M^r Peter Oliver for their cornet, & Joh Smyth, of Dorchester, for their quarter master, which, vpon their request to this Court, are allowed and confirmed in their places.

Douer depu-
tyes.

Whereas, vpon the submission of the inhabitant^l vpon the Riuer of Pascataq to this jurisdiction, this Court did graunt them, amongst other priuiledges, liberty to send two deputyes from the sd riuer, & whereas the freemen of Douer are increased to that number that by another law they haue liberty to send two deputyes to this Court, this Court doth order & declare, that the sd towne of Douer shall henceforth enjoy their libtie to send two deputyes, according to law, & that Straberybanke shall haue libtie to send one, according to former agreement.

Salems pow-
der.

The towne of Salem, being debtor to the country for seuerall barrells of powder, vpon the request of their deputyes, haue one of the sd barrells allowed them towards what they haue expended in saluteing of shippes, & otherwise, vpon necessary occasions.

Captaynes
comission of a
troop of horse.

The Generall Court of the Massachuset^l to J: L:, Cap^t.

Whereas you are chosen & allowed by the authoritie of this common wealth to be cap^t of a troope of horse for the county of Suffolke, these are therefore to will & require you to take care & charge of the sd troope of horse, as their cap^t, & diligently to intend the service thereof, and to exercise yo^r inferior officers & souldiers, both in peace & warr, according to law, commaunding them to obey you, as their cap^t, for the service of this common wealth, & you to obserue & obey all such orders & directions as from time to time you shall receiue from yo^r mayo^r generall, or other superio^r officers, or authority of this common wealth, according to law.

Leiu^t comis-
sion.

The Generall Court of the Massachuset^l to W: D:, Leiu^t.

Whereas you are chosen & allowed by the authoritie of this common wealth to be lieu^t of a troope of horse, vnder the conduct of J: L:, cap^t,

these are therefore to will & require you to take the ſd troop into yo^r care & charge, as lieu^t, & diligently to intend the service thereof, & to exercise yo^r inferior officers and souldiers, both in peace & warr, according to law, commaunding them to obey you as their lieut^t, for the service of this common wealth, & that you obey such orders & directions as from time to time you shall receive from yo^r cap^t, or other superior officers, or authoritie of this common wealth.

1652.

19 October.

*The Generall Court of the Mass: to P: O:, Cornett.

[*362.]

Whereas you are chosen & allowed by the authoritie of this common wealth to be cornet of a troope of horse, vnder the conduct of J: L:, cap^t, these are therefore to will & require you forthwith to receive & take the ſd troope into yo^r care & charge, as cornett, & diligently to intend the service thereof, & to exercise yo^r inferior officers & souldiers, both in peace & warr, according to law, commaunding them to obey you as their cornett, for the service of this common wealth, & you to obey such orders & directions as from time to time you shall receive from yo^r cap^t, or other superior officers, or authoritie of this common wealth.

Cornett^e
comission.

The Generall Court, &c, to J: S:, Quarter Master.

Quarter M^r
comission.

Whereas you are chosen & allowed by the authoritie of this common wealth to be quartermaster of a troop of horse, vnder the conduct of J: L:, cap^t, these are therefore to will & require you forthwth to take the ſd troop into yo^r care & charge as quartermaster thereof, & diligently to intend that service, & to exercise yo^r inferior officers & souldiers, both in peace & warr, commaunding them to obey you as their quartermaster for *for* the service of this common wealth, & you to obey such orders as from time to time you shall rec^d from yo^r cap^t, or other superior officers, or authoritie of this common wealth.

The County Court, which was to begin the next second day, is adjourned to the 16 of Nouember next, (21: 8, 1652.)

This Court, takeing into considera^t sundry reasons why the churches should set a^pt a solemne day of humiliat^t, especially for these reasons following: the losse of many psons by vnwonted diseases; 2^{ly}, in respect of vnusuall stormes & contynued raynes; 3^{ly}, want of supply of meet psons for publicke service; 4^{ly}, for the worldly mindednes, oppression, & hardhartednes feard to be amongst vs; as also in regard of England & the warrs their, the increase of herisies & errors, &c; & that God would giue vs favour in the

Humiliatio
day.

1652. hart℥ of the Parliament, &c; ; vñ, y^t God would supply vs with such comodities as are wanting, &c. This day to be obserued, 10th: 9th next.

19 October.

Comissionor℥
for the line.

The answer of Joh Sherman, serg^t at Watertowne, and Jonathan Ince, student at Harvard Colledge in Cambridg, to Cap^t Symon Willard & Cap^t Edward Johnson, commissiono^r℥ of the Generall Court held at Boston, May 27th, 1652, concerninge the latitude of the northermost part of Merimacke Riuer. Whereas we, Joh Sherman & Jonathan Ince, were p^{re}cured by the affore^d comissiono^r℥ to take the latitude of the place aboue named, our answer is, *that Aquedahian, the name of the head of Merimacke where it issues out of the Lake Winnapusseakit, vpon the first of August, one thowsand six hundred fifty two, we obserued, & by observation found, that the latitude of the place was forty three degrees, forty minutes, & twelue seconds, besides those minutes which are to be allowed for the three miles more north which run into the lake; in wittnes whereof we haue subscribed o^r names this ninteenth of October, 1652.

JOHN SHERMAN,
JONATHAN INCE.

Ju^r coram JOHN ENDECOTT, Gu^b.

Kettery comis-
sionor℥.

To o^r trusty & welbeloued ffrinds, A, B, C, D, &c.

Whereas you are chosen commissiono^r℥ by this Court to settle the ciuill gouernment amongst the inhabitant℥ of Kettery, the Ile of Shoales, Aggamenticus, & so to the most northerly extent of o^r patent, you are hereby authorized & required with all convenient speede to repayre to those partes, and there, by summons, to assemble the inhabitant℥ together in some place w^{ch} you shall judge most convenient, & to declare vnto them o^r just right to, & jurisdiction ouer, those tractes of land where they inhabite, requireing theire subjection therevnto, assuring them they shall enjoy equall p^{ro}tection & priuiledges with o^rselues: further, we doe hereby giue & graunt vnto you full power & authoritie to summon & keepe a Court or Court℥ there to heare & determine all causes, ciuill & criminall, accordinge to the power & authoritie of o^r County Courtes; to nominate & appoynt commissiono^r℥, administer oathes to them, & invest them wth such power as yo^rselues, or the majo^r part of you, shall judge meete; as also to appoynt, sweare cunstables & such other officers as you shall judge needfull for the p^{re}servation of the peace; to conforme & settle proprieties; to graunt priuiledges, p^{ro}tections, & im^unities; & to settle the gouernment there: & further, to doe & act in the p^{re}mises, or any thinge of like nature, for the endes affore^d, till this Court shall take

further order therein, as in yo^r wisdomes & discretiō you shall judge most to conduce to the glory of God & the peace & welfare of the people there, & the mayntenance of o^r owne just right℥ & intrest℥; & we doe hereby will & require all magist℥, **magistrates*, commissiono^{rs}, captaynes, & all other officers, ciuill & military, within the county of Norfolke, & all the inhabitant℥ of the Ile of Shoales & beyond the Riuer of Pascataq, within the limitt℥ of o^r pattent, to be aydinge & assisting to these o^r cõmissiono^r℥, as they shall se cause to craue or require; & in confirmation hereof we haue caused the seale of o^r colony to be herevnto affixed this 3^d (8), 1652.

1652.

19 October.

[*364.]

The tyme being expired of the Court℥ graunt of the customes of wines to those who were the farmers thereof, & the Court haueing publicly declared that any man that had a desire to rent the s̃d customes should repayre at a tyme appoynted to the Court to compound for the same, sundry gent^e appearinge had libtie, & did offer to the value of 160^{li} & 162^{li}; but the last & most was 165^{li} by Cap^t W^m Hawthorne, to whom the Court hath graunted the s̃d custome of wines for the space of fīue yeares from the day of the date of these p̃sent℥, for which he is to put in sufficyent securitie for the payment of the s̃d sūme of 165^{li} yearly to the Treasurer, or who else this Court shall appoynt to receiue the same, in current country pay; and that the s̃d Cap^t Hawthorne be invested with full power for the recouery of the s̃d customes in all respect℥ as hath been graunted to others in times past in this case.

Custome of
wines.

In answer to the petition of Archimbald Henderson for repayratiō of wronge p̃tended to be done him by Samuel Bidfeild, a cunstable in Boston, the Court, haueing p̃vsed the euidences in the case, doe judge that the petitiono^r was justly punished by the County Court for his swearinge, cursinge, & drunkenes, as also that he was justly fined ten poundes to the country for his other miscariages, & that his fīue poundes fine to the cunstable was also just; & whereas he was ordred to pay eyght poundes for strikeinge of fower men, who came to assist the cunstable, this Court, seinge no evidence proueing any more then three p̃sons so abused, doe judge that he should be abated forty shilling℥ in reference therevnto, & doe judge that the cunstable did not exceed the duty of his place in what he did to punish the petitiono^r for his offence.

Hendersons
case.

This Court doth hereby declare their approbation & justification of their cõmissiono^r℥ in iudginge their last meetinge at Plymouth to be frustate, & doe expect satisfaction from the jurisdictions of Plymouth & Newhaven; and for tyme to come we cannot consent that the ordinary yearly meetinge should hold, & the act℥ of the commissiono^r℥ be valid, except two commissiono^r℥

Cõmissiono^r℥
act approved.

1652. from each colony, authorized as in the sixth article, doe meete vppon the day
 appoynted.
- 19 October. *Cap^t Davenport being vnder a fine for shooting off fve guns in the
 [*365.] night, vppon his petition to this Court, his offence is past by, & his fine
 The fine of ^ remitted. remitted.
- Meadfeilds Vppon the request of the deputy of Meadfeild, in the name of theire
 military officer. towne, Georg Barber, being eldest sargeant, is hereby authorized to carry on
 the militarje exercise there.
- Cookes land W^m Parkes, of Roxbury, beinge authorized as an attorney to make sale
 confirmed. of certayne lands in Dedham, somtimes appteyning to Samuel Cooke, of
 Dublin, in Ireland, gent^t, and having made sale of the sd landes to Cap^t
 Eleazur Lusher and Anthony Fisher, of Dedham, afforesd, vppon theire re-
 quest to this Court, the sd sale is hereby confirmed & allowed.
- Wooburnes an- Seuerall of the inhabitant^l of Wooburne p^rferinge a petitiō to this Court
 swer. that the farmes lately graunted vnto or p^rsent hono^rd Deputy Gouverno^r & or
 late hono^rd Gou^rno^r, M^r Joh Winthrop, might be layd out for end^l & pur-
 poses exprest in theire sd p^rch, hath theire request^l graunted; & this Court
 doth hereby authorize M^r Edward Goffe, Thomas Danforth, & Joh Bridge, of
 Cambridge, for effectinge the same.
- Answ. to Cam- In answer to the petition of the inhabitant^l of Cambridge for the lay-
 bridg. ing out of 3000 acors of land, graunted to M^r Winthrop & his wife, at
 Shawshin, this Court orders & apptoynt^l Cap^t Willard, Captayne Edward John-
 son, Serg^t Hale, & Serg^t Sherman to be co^mmissiono^rl to lay out the land as is
 desired, & that it be done before the twenty fourth day of the fourth moth next.
- Tybbot^l will. Whereas the last will & testament of Walter Tibbot, of Glo^{ce}, deceased
 14 (6), 1651, was by Robert Tucker deliuered into this Court, but cannot now
 be found; a coppie whereof is now agayne p^rsent^l to this Court, vnder the
 hands of M^r W^m Perkins, & Robert Tucker, testifying to the truth of it, to
 theire best remembrance, vppon whose testimony this Court thinkes meete to
 allow of the sd will.
- Kent^l fine dis- Steuen Kent, of Haverill, beinge fined ten pounds for suffering fve
 posed of. Indians to be drunken in his howse, is hereby ordered to pay the sd ten
 poundes to the select men of the sd towne of Haverill within one moth, who
 shall therewith satisfy for the cure of one of the sd Indians, who was hurt by
 the cunstable when he was a^phended; & in case of his refusall, the marshall
 shall hereby fetch the sd ten poundes from Steuen Kent, with charge for his
 paynes, & deliuer it accordingly.
- Shawes power. It is ordred by this Court, that Roger Shaw, of Hampton, shall haue
 power to sue the late cunstable of Hamptō afforesd for 8^ld 2^s 6^d, with such

other charge as may transport the same to the surveyor generall, or any other concerned therein, at the next Court held at Salem. 1652.

19 October.

An order concerninge this was made (28) 3, 1652.

*Mr Ambrose Lane pferinge a petition to haue a speciall Court for the triall of some actions betweene Robt Nash, Mr Robt, & himselfe, hath his request graunted, pvided the case betweene him & Mr Valentine Hill be excepted, who is by him summoned to answer it at the next County Court. [*366.]
Lanes answer.

Mr David Sellake, craueing pardon for his offence in bringing some of the Irish men on shoare, hath his fine remitted, so as the first optunitie be taken to send them out of this jurisdiction. P consilium. The sd Mr Sellake, on his request, hath libtie for the bringing another Irish man on shoare, to endeavour his recovery, pvided he giue bond to send him out of this jurisdiction when he is well. Mr Sellake re-
mitted.

The inhabitant℥ of Nantaskett complayning of some injury offred them, by reason of Lovills Iland being detayned from them, the Court orders them to haue a hearing the next Gener^{ll} Court, & in the meane time libtie is graunted them to suñon any then & there to appeare who legally detayne any island℥ from them. Hulls answer.
Lovell's Island.

There beinge fifty poundes long since dew from this colonye to Mr Pococke, in London, for the payment of which this Court orders, & the Treasurer vndertakes to shipp fifty poundes in commodities for Berbados in one month, & to order the pduce for England on the countryes adventure, the country allowinge forbearance vntill the Treasurer be repayd, which cañot be vntill the rate 1653, giueing Mr Hibbens a bill of lading what goodes are shipt for the accompt of Mr Pococke. Mr Pococke
pay.

The inhabitant℥ of the south end of Boston, pferringe a petitiō for the confirmation of Cap^t Joh Leuerett to be theire cap^t, receiued this answer: the Court is very tender of giueing any discouragment to the petitioner℥, & having by order confirmed Cap^t Leueritt to commaund a trooppe of horse, a place of greater honor, & wherein he may be more serviceable to the country, we cannot consent to the petitiono^r℥ request, which tends to o^r loss & the discouragment of a deseruing man: we therefore thinke it meete the petitiono^r℥ pceed to a new election, & the Court will be ready to confirme any meet man they shall p^sent. South Compa-
nys answ.

The Court doth judge, that the testimonyes pduced to proue the island mentioned in James Pembertons, & called by his name, to belonge to him, doe fully proue the same, & doe therefore declare the sd island to be his propriety. Pembertons
case.

1652.

19 October.
Springfeild
comissiono^rℓ
oath.

[*367.]

We, Joh Pinchon, Elitzur Holyoka, & Samuel Chapin, comissiono^rℓ for the towne of Springfeild, by order of the Generall Court, doe heare sweare by the liuing God, that we will truly endeavour to o^r best abillity to demeane o^rselues in o^r places according to the lawes of God & of this jurisdiction, & that we will dispence justice on all occasions *occasions proper to o^r place, & cognizance equally & impartially dureing o^r aboade in this jurisdiction, & con-
tynuanee in comission, as affore^sd. So help, &c. This oath to be taken before the selectmen & cunstable of the towne of Springfeild.

It is also ordred, that the psons about mentioned should haue the same commission to act by which was graunted to M^r Henry Smyth the last yeare.

Capt. Allens
ouerseers.

In answer to the petition of the ouerseers of the last will & testament of Cap^t Bozoone Allen, it is ordred, that administration be graunted to the widdow & the two o^rseers, & that they pforme the impfit will as farr as may be; & the s^d widdow & o^rseers shall haue power to act as executo^rℓ & executrix; & whereas the scale of the s^d will was accidentally torne away while it was in the hands of the Court, this Court doth order & declare, that the s^d will shall in all respectℓ be accounted authentically without it, as it was before.

Capens answer.

Joane Capen, widdow, being vnder a fine for not proueing her husbands will according to the law, vpon her pe^t to this Court, hath her fine remitted, & is hereby ordred to proue the s^d will at the next County Court.

M^{rs} Winthrop
answer.

In answer to a petition p^sented in the behalfe of M^{rs} Elizabeth Winthrop, late wife to M^r Addam Winthrop, deceas^d, it is hereby ordred & declared, that Adam Winthrop, the orphan, of about fve yeares of age, beinge the onely child of Adam Winthrop, the father, & grand child to Joh Winthrop, the grand father, is the true proprio^r of the iland called the Gouverno^rℓ Iland, to haue and to hold to him & his heires; and that Elizabeth Winthrop, second wife to Adam Winthrop, deceased, shall haue the full thirds of the pfitℓ of the s^d iland for her life; and that M^r Henry Dunster, M^{rs} Elizabeth Winthrop, dureinge her widdow wood, M^r Edward Rawson, Cap^t Thomas Clarke, & Cap^t Richard Dauenport are appoynted guardians ouer the s^d Adam Winthrop, the orphan, to take care of his education, & also of all his estate, reall & psonall, & to be accountable for the same vnto the s^d Adam or his guardian whom he shall chuse when he comes to the age of ffourteene yeares; and that administration shalbe graunted equally of the goods & chattles late of Adam Winthrop, deceased, vnto M^{rs} Elizabeth Winthrop, widdow, & vnto Addam Winthrop, the orphan.

There being a question when the country gaue the yongest child of Joh Winthrop, Esq^r, two hundred poundes, which is occasioned by the loss of the record, it being yet in the pfect memory of most of the Court *that that graunt was made in the third moth, 1649, the imēdiate Court after the decease of the s^d Mr Winthrop, this Court orders, that the graunt of the Court be incerted in the Court records from that time. 1652.
19 October.
Mr Winthrops
childs 200^l.
[*368.]

Vppon the petition of Cap^t Joh Leuerett, this Court doth graunt vnto him all those small ilands lying within the bay betweene Allerton Poynt & Nahant, not hereto fore graunted; his father putting in money into the common stocke in the begining of this plantation, for which he neuer had any consideration. Capt. Leueit^e
graunt.

The inhabitant^e of Glo^{ce}, being vnder a fine for neglecting to obserue the law about the nominatiō of magistrates, vppō their petition to this Court, haue their fine remitted. Glo^{ce} fine re-
mitted.

Cap^t Joh Leuerett, Cap^t W^m Tyng, Cap^t Thomas Savage, M^r Nathaniell Duncan, M^r Edward Tyng, Cap^t Thomas Clark, & M^r Anthony Stoddard being legally chosen cōmissiono^re for the towne of Boston, tooke their oathes before the Gouvern^r & Magis^tr^e, the Gouvern^r administring the oath 23^d 8th, 1652. Boston cōmis-
siono^re.
23 October.

The inhabitant^e of Strabery Banke, pfering a petition for the enlargm^t of their towne bounds, are referd to the next Court of Election for further answer, when Cap^t Wiggan is to shew his pattent. This Court further graunts, that M^r Henry Sherbourne & M^r Reynold Fernald be admitted as associates, according to their petition. Answ. to Stra-
bery Banke.

In answer to the petitiō of seuerall of the inhabitant^e of Boston, the Court graunt^e their pe^t, viz^t, the continuation of the commission graunted to the commissiono^re, & doe order, that the freemen shall haue libertie to make anew election yearly, according to the first graunt, leaueing them to choose the same cōmissiono^re, or others, as they shall please, filling vp the whole number of seaven. Bostons an-
swer.

In answer to the petition of the new church at Boston, the Court declares they haue not, nor intended in their advice giuen, condemned or discouraged the church or M^r Powell frō exerciseinge in publicke till it please God to pvide better for them; but o^r advice is agaynst pceeding to establish M^r Powell a teachinge elder, & the reasons which induce vs are these: that, notwithstanding the judgment of the church concerning M^r Powells abilities & fittnes, yet the Court are not satisfied of the expediency of their pceeding^e in respect of this place of such publicke resort, & considering the humo^r of the times in England inclining to discourag learning, agaynst which we haue New chh^e an-
swer.

1652.

23 October.
Court℥ advice.

born testimony, this Court, in o^r petition to the Parliament, which we should contradict if we should approve of such p^{re}ceding℥ amongst o^rselues.

[*369.]

The Generall Court haueinge receiued credible information that the new church in Boston haue chosen M^r Powell to be their minister, & that he hath accepted of their choyce, they thinke it meete, in respect of the trust the country hath committed to them, louingly to advise both the church & M^r Powell to desist from any further *p^{re}ceding℥ therein for many reasons to long to be incerted herein, which yet they shall communicate to the church or M^r Powell, if they desire it, and doubt not, therefore, of the church & M^r Powells attendance to this advice, & the rather because they may be competently furnished with an able minister, which, as it is mostly desired, so will it tend most to the aduancement of Godes glory & increase of peace, with Christian loue, with comfort to themselues & their neighbours, of which they will haue no cause to repent; for the furtherance whereof the Generall Court will not be wanting in their endeouours.

Brentons an-
swer.

Martha Brenton desireinge an Irish boy & girle, about the age of 12 yeares, for servant℥, hath her request graunted, so as the p^{ar}ties are p^{re}ued before two magistrat℥ to be borne of English parent℥.

Mr Hills an-
swer.
Matthew's fine
remitted.

M^r Joseph Hills, p^{re}ferring a petition for the remittment of fines imposed on the ch^{ur}h of Maldon & their pasto^r, receiued this answer: that M^r Mathewes fine should be remitted, & ten pounds remitted of the ch^{ur}ches censure.

George Bowers, of Cambridge, beinge fined ten pounds for giueinge votes for the magistrat℥, being a nonfreeman, was fined ten pounds, & vpon his petition to this Court, hath five pounds of his s^{ad} fine abated.

Ternes answer.

Miles Terne sellinge a p^{ar}cell of land to the value of twelue pounds, for the vse & behoofe of two small children his wife had by a former husband, vpon his request to this Court, the sale of the s^{ad} lands is hereby confirmed to the purchaser peaceably to enjoy.

Rices answ.

Edmund Rice, of Sudbury, p^{re}ferring a p^{et} for the graunt of three little peeces of meddow, con^t about twenty acors, & thirty acors of vpland, lying a mile from Cochituate Brooke, or thereabout, hath his request graunted, viz^t, fifty acors of land in the place aboue mentioned, whereof twenty to be meddow, if it be there to be had, & that Cap^t Willard & Lieu^t Goodenow are hereby appoynted to lay it out.

Naticke
bounds.

Itt is ordred, that Cap^t Lusher, M^r Jackson, the surueio^r generall, W^m Parkes, & Sargent Sherman, or any three of them, shalbe & hereby are im- powered to lay out meet bounds for the Indian plantation at Naticke, betweene this & the next Court of Election, makeinge their returne to the Court.

It℥ ordred by this Court that the clarke for the Howse of Deputyes shall acc^o wth the auditor generall for all such sums as he hath from time to time receiued *in reference to his allowance for his service, & that the auditor shall signe him a bill for the payment of what shalbe found due to him from the country.

1652.

23 October.
The clark℥
acc^o.

[*370.]

Cap^t Richard Dauenport aknowledginge, vnder his hand, the receipt of fower hundred & fowerscore pounds, dew to the garison from the farmers of the custome of wines for fower yeares last past, this Court doth therevppon order that the band of the s^d farmers shalbe deliuered vpp to them, & they are hereby discharged.

Farmers acquit-
ted.

This Court doth order that the bill assigned by Joseph Jewett, steward for the Howse of Dep^t℥, to the auditor, for Cap^t Walker, should pass, & that the s^d Cap^t Walker be also allowed forty shilling℥ for the loss of a mare foale, when he lent his mare to M^r Bellingham for the countryes vse.

Cap^t. Walker
recompensed.

Mary Woody, late the wife of Joh Woody, deceased, desireinge the helpe and advise of this Court in the ordringe & manninge of the estate of her s^d late husband, receiued this answer: that the petitioner should make vpp the acc^o, & p^duce the same wth the will & the inventory, to the next Quarter Court at Boston, who haue power herein to determine the case.

Woodyes an-
swer.

In answer to the petitiō of M^r Nicholas Shapleigh, the Court doth graunt the petitiono^r free libtie to come into any part of this jurisdiction, & depart home, wthout any restraynt to his pson, for the terme of one yeare, & shall haue libtie to sue any pson, or to reuiew any action that by any of o^r Court℥ hath past agaynst him, or petition any Court for releife, p^ovided that what the s^d M^r Shapley shall recouer of any pson by all or any the meanes affore^sd shalbe liable to any attatchment or executiō which any pson shall lay vppon them. Dated the 26th October, 1652.

M^r Shapleys
answer.

26 October.

In answer to the pe^t of Mennen Cornelison, it is ordred, that the petitiono^r shalbe satisfied, by the administrato^r℥ of Cap^t Howsen, the whole value of the estate put aboard Cap^t Howsen, proued by Alexander Monroes & Richard Stajnes, according as it shalbe valued by M^r James Garrett, & two men chosen, the one by one p^tye, the other by the other, or any two of them; & if any of the p^tyes shall refuse or neglect to chuse a man as affore^sd, then M^r Garrett & the other shall p^oceed to valuation; & that there shalbe a true inventory of the estate brought in vppon oath to the next County Court, by reason of many other debt℥ oweinge by Cap^t Howsen, which will appeare vppon good proff, & that the credito^r℥ may haue power to p^osecute by law for recouery of their debts in any County Court℥.

Dutchmans
answer.

1652.

26 October.

[*371.]

Answ. to.

President & an-
swer.

*The South Company in Boston, p̄ferring a second p̄t for Cap̄t Leuerett to be their cap̄t, are referd for answer therevnto to the ans^r of their former p̄t of the like nature.

In answer to the petition of the p̄sident & fellowes of Harvard Colledge for the laying out of eyght hundred acors of land giuen them by M^r Robt Cooke, late of Charlestowne, it is ordred, that their petition be graunted, & that they haue libtie to imploy such as they please to find out such a place or places as may be most commodious & convenient for them, & to returne to this Court what they haue done therein, to the end it may be layd out & confirmed to them.

Old Alces an-
swer.

In answer to the petition of Alce, an old Welch womā, she is to be set at libtie out of prison & discharged.

Martin Stebbins, p̄feringe a petition for libtie to keepe a howse of entertaynment, hath his request graunted, if the select men of Boston giue way therevnto.

1653.

18 May.

[*372.]

**Att a Generall Court of Election, held at Boston, the 18 of the 3^d Moth, Anno 1653.*

Chosen: —

John Endecott, Esq̄, Gouverno^r.Richard Bellingham, Esq̄, Dep^t Goūno^r.

Assistants · Increase Nowell, Gen^t,
Symon Bradstreet, Gen^t,
Samuel Symonds, Gen^t,
William Hibbens, Gen^t,
Cap^t Robt Bridges, Gen^t,
Thomas Flint, Gen^t,
John Glouer, Gen^t,
Thomas Wiggan, Gen^t,
Cap^t Daniel Gookin, Gen^t.
Major Daniel Denison, Gen^t, Major Generall.

Symon Bradstreete & Cap^t W^m Hathorne, Gen^t, Com̄issiono^rē.Edward Rawson, Gen^t, chosen Secretary.Richard Russell, Gen^t, chosen Treasurer.

The names of the Deputyes :—

1653.

18 May.

Salem : Lieu^t Thomas Lothrop, M^r Jacob Barney.
 Charlstowne : M^r Richard Russell, Cap^t Frauncis Norton.
 Dorchester : Lieu^t Roger Clapp, Ensigne Hopestill Foster.
 Boston : Cap^t John Leuerett, Cap^t Thomas Clarke.
 Roxbury : M^r John Johnson, M^r William Parks.
 Watertow : Serg^t John Sherman, Michael Berstow.
 Lynn : M^r Thomas Layton.
 Cambridge : M^r Edward Jackson, M^r Rich^{ard} Jackson.
 Ipswich : M^r John Whipple, M^r George Gittens, M^r Samuel Winsley.
 Newbery : Cap^t W^m Gerish.
 Weymouth : Thomas Dyer.
 Hingham : Cap^t Joshua Hubbard, Ensigne Je^r Howchen.
 Concord : Major Sym^o Willard.
 Dedham : Lieu^t Joshua Fisher, Francis Chickeringe.
 Salsbury : M^r Samuel Winsley.
 Hampton : M^r Roger Shaw.
 Rowley : M^r Joseph Jewett.
 Sudbury : M^r Edmund Rice.
 Brauntry : M^r Peter Brackett, Stephen Kinsley.
 Douer : M^r Valentine Hill.
 Strabery Banke : M^r Brian Pendleton,
 Gloucester : M^r W^m Steuens.
 Wooburne : Cap^t Edward Johnson.
 Wenham : M^r Pheneas Fiske.
 Hauerill : M^r Rob^t Clements.
 Reading : William Cowdrey.
 Springfeild : Cap^t Humphrey Atherton.
 Maldon : M^r Joseph Hills.
 Meadfeild : M^r Ralph Whellocke.
 Kettry : M^r John Wincoll.
 Yorke : M^r Edward Rushworth.

Cap^t Humphrey Atherton was chosen Speak^e for the Howse of Deputyes for this session of Court.

W^m Torrey was chosen Clarke for the yeare ensuinge.

M^r Joseph Jewet & M^r William Parkes chosen Stewards.

*IT is ordred by this Court & the authoritie thereof, for p^rventinge of any [*373.]
 such trade as may be of dangerous consequence to o^rselues, as the
 strengthninge of p^rsons in hostilitie to o^r nation or o^rselues, that from the publi-
 cation hereof all persons in o^r jurisdiction are p^rhibited from cari^rng p^rvisions,
 as corne, beefe, pease, bread, or porke, &c, into any of the plantations of Dutch
 or French inhabiting in any of the p^rts of America ; & in case any shall so doe,

P^rhibition of
 trade with
 Dutch or
 French.

1653.

18 May.

they shall pay treble the value so traded, vppon legall conviction ; to which end caution shalbe giuen by all shippes or smaller vessells that shall transport any pvisions for trade, that they shall not deliuer, directly nor indirectly, any of the before phibited provisions to any of the psons or their assignes before excepted ; in psuance whereof, if any pson transportinge as before intended shall not giue in caution to the double value to the clark of the County Courts, or the secretary at Boston, whence they sayle from, to assure his fidelity to this order, he or they shall forfeit such vessell & goods, the one fourth part to the informer, the rest to the country.

Woole to be washed before it is offered for sale.

This Court, takeing into consideration the necessity of a right ordering of woole in seuerall respect℄, doth order that all manner of psons who are owners of sheepe, & shall put the woole to sale, shall, & hereby are, enjoyned yearly to wash their sheepe in cleare water, not beinge either salt, brackish, or dirty, & also that care be taken that they may not be kept in durty or sandy ground betweene the time of washing & shearinge ; & it is further ordred, that in makeing vp the fleeces due care be taken that no short lock℄, lumps of durt, be wound vpp therein, vppon the pœnalty of forfeiture of twelue pence p sheepe, in defect of all or any of the p̄ticulers aboue mentioned.

Choyce of cunstables in Boston. Fine £10 for refusing to serve.

Forasmuch as it is of great concernment to the country, that in all townes there should be meete psons chosen to the office of cunstable, this Court finding by experienç & some complaynt℄, that in greater townes, especially in Boston, many who are meete & fit to serue the country in such offices, by reason of the smalnes of the fines y^t townes haue power to impose for such refusall, which is but twenty shillings, take encouragment to withdraw themselves from the cuntryes service in such respect℄, it is therefore ordred, that henceforth it shalbe in the power of y^e towne of Boston to impose the fine of ten pounds on euery such pson that shall refuse to serue the country in the office of a cunstable in y^t towne, that in his pson is able to execute the same, & the select men of the towne of Boston are hereby from time to time impowered *by a warrent signed vnder the hands of the major p̄t of the s̄d select men for the time beinge to the cunstable, who shall leuy the same by distress, & deliuer the s̄d fine to the s̄d select men, to be improued for the towne, as a towne stocke ; & all other townes haue liberty to fine any pson five pounds for the like offence.

[*374.]

Horses rated.

Whereas the order made to regulate in poynt of rateinge for the cuntryes vse p̄vided how horses, mares, & colt℄ should be valued, which at p̄sent is farr below what they are worth, for redressing whereof this Court doth order, that in all country rates euery mare, horse, & guilding of fower yeares old & vpwards, shalbe valued at sixteene poundes ; of three years

old at ten pounds; of two yeares old at seuen poundes; of one yeare old at three pounds ten shilling℥; & this to contynue for two yeares only, vnles the Generall Court shall see cause to contynue or alter the same. 1653.
18 May.

There havinge beene more then ordinary expences this yeare, by reason of the troubles & other needfull & vrgent occasions, so that the añual country leuy will not reach to satisfaction of or engagment℥, it is therefore ordred by this Court, that the Treasurer shall forthwith issue out warrent℥ to the cunstables of the seuerall townes in this jurisdiction, requiring them to signifie to the select men of each towne, that at the time appoynted for the yearly making of rates, each townes proportion be as much more as hath bin vsuall in times past, both in respect of heads & estates, & doe therefore order the sd select men to act herein accordingly. Double rate.

It is ordred by this Court, that the Commissiono℥ Court at Portsmouth shall haue equall power for triall of actions within themselues, to the value of ten poundes, as Yorke & Kettery haue, which shall continue till the Court take further order; & the County Court℥ of Douer & Portsmouth shall añually haue their Court℥ vppon the last Twesday in June, & the county of Yorke-shire shall haue the County Court the Thursday followinge. Portsmouth power.

For the encouragment of Haruard Colledge, & the societie thereof, & for the more comfortable mayntenance & prouision for the p̄sident, ffellowes, & student℥ thereof, in time to come, this Court doth graunt vnto the sd societie & corporation, for the ends afforesd, two thousand acors of land, within this jurisdiction, not formerly graunted to any other, to be taken vpp in two or three places, where it may be found convenient; & to this end tis desired that the sd corporation of the colledge will appoynt some persons in their behalfe to find out the place where such land may be freely taken, & to make returne as soone as they may, that the Court may more perticularly & expressly confirme the same. Colledge graunt.

Seuerall Indians of Pascataq desireing to submitt to this *gouernment, for seuerall reasons, are respited for a positiue answer vntill the next session of this Court. [*375.]
Indians offerr.

Mr Deane Winthrop, pferringe a petition to be freed from trayning, is left to the discretion of his captayne, to act therein as he shall judge meete, according to law. Winthrops answer.

The South Company of Boston, pferringe a petition for Cap̄t Leuerett to be their captayne, are denyed their request, it being contrary to law, he beinge already cap̄t of a troope of horse in Suffolke regiment. South Companys answ.

John Hawthorne, pferring a pēt for remission or mitigation of his punishment for his offence, receiued this answer: that forasmuch as the crime Hawthorns answer.

1653.

18 May.
Crime forgery.

confessed by him could not easily be legally proued agaynst him had he not confessed it, & y^t the law ordaynes æquall punishment in that case for all offences of that nature, although of diffrent degrees, according to which all inferior Court℄ are bound to pceede, yet the Generall Court, being at more liberty, may pportion the punishment according to the diffrence of offences of that nature, & therefore doth order, that the petitiono^r, in leiu of the punishment in the law appoynted, shall pay double damages, which is twenty pounds, to the party wronged, & ten pounds to the common wealth, to be forthwith leuied, & be disfranchised. If he doth not submit to the sentence, then the law that pvides ag^t fforgery is to take place in euery pticuler.

Fletcher's dis-
charge.

Joseph Fletcher, seruant to M^r Hall, of Salsbury, is exempted frō any presse this sōmer, beinge the cheife stay of his family.

Parkes graunt.

There beinge formerly fower thowsand acres of land graunted to the towne of Roxbury, of which M^r William Parkes was to haue one hundred fowre score & one, which, vppon his request to this Court, is hereby ordred, with the addition of so much as may make the same three hundred acors, to be layd out by Cap^t Willard & Sergeant John Sherman, neere the land lately graunted to M^r Joseph Hills, at a place called Nanacanus.

Powder lent.

It is ordred by this Court, that the surveyo^r generall shall lend two barrells of good powder to M^r Pendlton for p^sent, to be returned agayne vppon the tender of the sume of thirteene pounds nynteene shillings & ten pence, which wilbe satisfactory to all p^sons concerned herein; & doe further

Bett℄ fine.

order, that the fiteene pounds dew to the country from John Bett℄ be payd to the surveyo^r generall to purchase powder withall.

Gouernors gra-
tuitie.

This Court doth thankfully acknowledge the good service of o^r p^sent honord Gou^{no}r, in regard of his vnwearyed paynes & constant care in regard of the trust comitted to him the last yeare, in the place of Gouerno^t, and as a testimony thereof desire his acceptance of the sume of one hundred pounds, which we order to be payd him out of the next country rate.

[*376.]

Bostons
answer.

*In answer to seuerall propositions of the towne of Boston, p^sented to the Court℄ consideration, viz^t, measuring of boards & cord wood, 1. This Court thinkes meete to leaue it to the select men of Boston & Charltowne to order therein, & to appoynt meet p^sons to cary on the same.

2. In reference to the buildinge of a powder howse in Boston, it is left to the deputies of Boston & Charltowne to act herein for the furtherance of the same, & to p^sent such orders for the secureinge thereof as they judge to be necessary to the next session of Court to be confirmed.

3. That the choyce of auditor & surueyo^r geⁿall aⁿually be left to the considera^{co} of the next session of Court.

The rest of the pposition are, or wilbe, answered this Court by seuerall orders.

1653.

It is ordred by this Court that the secretary shalbe satisfied for what he hath done in writeing for the comissiono^rℓ out of the next country rate, at 8^d p page, as the law puides in another case, & that the seuerall pportions of the other colonyes be by the auditor taken notice off, & brought to account.

18 May.
Secretary satisfied.

There beinge two petitions pferd to this Court, the one from seuerall of the inhabitantℓ of Concord & Wooburne, the other from M^r Eliott in the behalfe of the Indians, for land bordering vppon the Riuer Merimacke, neere to Paatookett, to make plantations, receiued this answer: First, that the inhabitantℓ who are petitiono^rℓ of Concord & Wooburne shall haue graunted the tract of land mention^d in there petition, exceptinge some p^t of it joyninge to Merimack^e Riuer, pvided that the s^d petitiono^rℓ shall sufficiently breake *breake* vpp full so much land for the Indians, in such place as they shall appoynt within such plantation as shall there be appoynted them, as they haue of plantinge ground about a hill called Robbins Hill, & that the Indians shall haue vse of their planting ground affore^sd, free of all damage, vntill the petitiono^rℓ shall haue broken vpp the land for the Indians, as affore^sd.

Paatookett
graunted.

2^{ly}. For the Indian plantation petitioned for by M^r Elliott, this Court thinkes meete to graunt it y^m, with the exceptions & pvisions before mentioned; & for the stateinge of both, Cap^t Willard & Cap^t Edw: Johnson are hereby appoynted to lay out the s^d plantations or townships, the English at the charg of the petitiono^rℓ, the Indians at the charge of the country, within one moneth after the end of this session, that neither of the plan^t be retarded.

Indians
graunt.

3^{ly}. That if the petition^{rs} of Concord & Wooburne shall not, within two yeares, settle a competent number of families there by building & planting vppon the s^d tract of land, namely, 20 families or vppwards, so as they may be in a capacity of enjoying all the ordinances of God there, then the grant to be voyd.

*Whereas the towne & plantation of Dedham, being somewhat remote, may be in more danger then some others are, this Court doth therefore order, that the surveyo^r generall shall deliuer vnto the select men of Dedham one of those draks at Roxbury, pvided they satisfy them what charge they haue expended in mounting the s^d gun, & also keepe it in good repayre, fitt for seruice, & that the surveyo^r geⁿ is hereby impowred to fetch a greater gun from Dorchester to Roxbury, if it be desired, paying y^m for the mounting of the same.

[*377.]

A drake to
Dedham.

Thomas Wiggan, gen^t, p^ferring a petition for the confirmation of a Squamscott.

1653.

18 May.

pattent & the graunt of a writt of diuision for a tract of land at Squanscott, is referd for an answer vntill the yeare 1654, in October, & that in y^e meane time there be a forbearance of falling of any wood or tymber vppon the land herein exprest.

Highwayes.

It is ordered, that Cap^t Richard Walker, Leiut Thomas Marshall, Nicholas Holt, & Richard Baker, or any three of them, shall lay out the common high way betwixt Andeuor & Redinge, as may be most convenient for the vse of the country, & make theire returne hereof to the next session of this Court.

Lowles answer.

Vppon a motion made to this Court by Richard Lowle, of Newbery, brother to John Lowle, deceased, this Court doth order, & hereby giue full power to the County Courtℓ, either of Salem or Ipswich, to appoynt some meete pson to receiue the portions of James & Joseph Lowle, sonnes of John Lowle, deceased, the s^d Richard beinge very sickly, & thereby vncapable to looke any further after the same, that so it may be improued for the best advantage.

Nashaway.

The Courtes answer to a petition p^sented from the inhabitants of Nashaway, año 52, concerning the settleing of the plan^t in seuerall p^ticulers.

1^{ly}. First, it is determind that the orderinge & disposing of the plantation of Nashaway is wholly in this Courtℓ power, as appeares by an order of the Generall Court in año 1647.

2^{ly}. Consideringe that there is already at Nashaway about 9 families, & that seuerall, both freemen & others, intend to goe & settle there, some whereof are named in theire petition, this Court doth hereby giue & graunt them libertyes of a townshipp, &, at the request of the inhabitantℓ, doe order it to be called Prescottt.

3^{ly}. That theire lymittℓ shalbe set out accordinge to a deede of the Indian sagamore, viz^t, Nashaway Riuer, at the passing ouer to the center, & fve miles north, fve miles south, fve miles east, & three miles west, & y^t this Court appoynt some commissiono^rℓ to se these lynes extended & theire bounds lymitted.

[*378.] 4^{ly}. That Edward Brecke, Nathaniel Hadlocke, W^m Carley, Thomas Sawyer, John Prescottt, & Ralph Haughton, *or any fower of them, whereof the majo^r part to be freemen, to be for p^sent the prudentiall men of the s^d towne, both to se all allotmentℓ layd out to the planters in due p^portion to theire estates, & also to order the prudentiall affayres vntill it shall appeare to this Court that the place be so farre settled with able men as the Court may thinke it capable of, giueing them full lib^tie of a townshipp accordinge to law.

5^y. That all such psons who haue possessed & contynued inhabitantℓ at Nashaway shall haue their lottℓ formerly layd out confirmed to them, pvided they take the oath of fidelity.

1653.

18 May.

6^y. That Sudbury should make cart wayes within their bounds to pass to & from the s^d plantatiō.

7^y. That the s^d inhabitantℓ be rated for publicke charge within the county of Midlesex, & to that end the towne may choose a cunstable.

8^y. That they take care that a godly ministry may be mayntayned amongst them, & y^t no euill psons, enemies to this cōmon wealth in judgment or practise, be admitted as inhabitantℓ amongst them, & none to haue lottℓ confirmed but such as take the oath of fidelity.

9^y. It is hereby declared, that although the first vndertakers & copartners in the plantation of Nashaway are wholly evacuated of their clayme in lottℓ there by order of this Court, yet that such psons of them who haue expended either charge or labour for the benefitt of the place, & haue helped on the worke there from time to time, either in contributinge to y^e ministry, or in the purchase from the Indians, or any other publicke worke, that such psons are to be considered by the towne, either in pportion of land or some other way of satisfaction, as may be just & meete, pvided such psons doe make such their expences clearly appeare in six moneths.

This Court, takinge the condition of Nashaway into further consideration, doe order, that it shalbe called henceforth West Towne, & doe further confirme there graunt of 8 miles square, which was formerly graunted them, which will encourage many to plant there.

Nashaway, afterwards West Town.

In answer to an other petition from the inhabitantℓ of Nashaway for settling of their graunt, this Court doth order the plantation at Nashaway to center, as in the Court order of May, 52, (which is the foregoing order,) & to be layd out in pportion to eyght miles square, & that the seuerall p^ticulars, being in number nyne, be confirmed to them, saue in the close of the 2^d article, about the name of the towne, that the name of it be henceforth called Lancaster, & in the sixth article, that Sudbury & Lancaster lay out high wayes, according to y^e Court order, for the cōntries vse, & them repayre as need shalbe, * & that in stead of six moneths, expressed in the close of the 9th article, such psons to haue twelue moneths, from the end of this session, for such demaundes; and that the intrest of Harmon Garrett & such others as were first vndertakers, or haue ben at great charges there, shalbe made good to him, them, or his or their heires, in all their allottmentℓ, as to other there inhabitatℓ, in pportion to charges expended by him & such others, afore^sd, pvided they make improuementℓ of such allottmentℓ, by buildinge & plant-

[*379.]

1653.

18 May.

Tompsons
fine.

inge, within three yeares after they are or shalbe layd out to them, otherwise theire intrest℥ hereby pvided for to be voyd, & all such lands so hereby reserued to be at the townes dispose.

W^m Tompson, being vnder a fine of five pounds for the breach of an established law of this comon wealth, on his petition, hath the one halfe of his 3d fine remitted.

Executioner
exempted.

Thomas Bell, the executioner, is to be allowed out of the next leuy the some of fovreene shillings, expended by him for ropes & ladders for the better executing of his office; & the 3d Bell is hereby exempted from trayninges, watching℥, & wardinges.

Libertie to
trade.

Capt Joh Leuerett, M^r James Oliver, & Ensigne Scotto hath hereby libtie graunted to send forth to Monseir La Tour the fore3d Ensigne Scotto with a vessell of seuteene tuns, to carry flower, pease, & such pvisions as they shall haue occasion to send forth in this voyge.

Johnsons pur-
chase.

John Johnson, of Roxbury, having purchased one acor & one roode, be it more or les, in Roxbury, afforesd, of Thomas Hawly & Dorothy, his wife, vppon his request to this Court, hath his deed of sale confirmed.

Edsalls fine.

Thomas Edsall, being vnder a fine of putting in a vote for a magistrate, not being a freemen, hath his fine abated to twenty shilling℥.

Rice his farme.

There beinge a graunt formerly made of 200 acors of land to Cap^t Jeanison, & sould by him to M^r Edmund Rice, of Sudbury, & to be layd out by M^r Edward Allen & M^r John Oliuer neere the bounds of Dedham, the 3d commissiono^r℥ beinge dead, & the worke not yet finished, it is ordred, on the request of the 3d M^r Rice, that Cap^t Willard & Serg^t John Sherman be appoynted to lay out the 3d land accordinge to order, makeing theire returne to the next session of this Court.

Coles graunt.

M^r Samuell Cole, of Boston, hauing longe since disbursed fifty pounds in the common stocke, as appeared by good testimony to the Court, on his request, hath 400 acors of land graunted him at Nonatocke, to be layd out by Captayne Willard.

[*380.]

Stilemans
answer.
Johnson con-
firmed.

*Elias Stileman, of Salem, p^rferring a petition for a lycence to draw wine, is referred to the County Court at Salem, to answer his pe^t.

At the request of the inhabitant℥ of Marblehead, M^r Frauncis Johnson is hereby allowed to be theire lieutenant.

Strabery-banks

The inhabitant℥ of Strabery Banke p^rfering a petition for equall priuileges with other townes, in respect of choyce of magistrates, &c, are denyed; but as a further answer to y^m, in respect of theire military officers, the Court of Douer or Straberybanke may confirme such as they shall p^rsent, who haue hereby also power to nominate & confirme commissiono^r℥ for the endinge of small causes vnder 40^s, as in other townes.

It is hereby ordred & declared, that the execution of all judgment^l issued by the Generall Court^l & Court^l of Assistant^l should belonge to the generall marshall, Edward Mitchelson.

1653.

18 May.

Generall mar-
shall.Dutchmans
case.

The Court, haueinge heard & considered all the evidences of the case betweene Menen Cornelison & M^r Robt Knight, & the rest of the administrators to the state of Cap^t Howsen, doe approue & confirme the judgment of the former Generall Court in y^t respect, & declare the pceedinges of the marshall & the apprisers of certayne lands on the Fort Hill to be null, & orders that the secritary shall issue out an execution for y^e seuenty eyght pounds six shillings, determined by the award of M^r Davison, M^r Garrett, & M^r Walker, the dew of the sd Cornelison on the estate of the sd Robt Knight, or any of the administrato^rl.

Whereas, by order from the Generall Court, these fower townes, Ipswich, Newbery, Rowley, & Andeuour, should appoynt men to lay out the co^mon high wayes for the country from towne to towne, we, whose names are herevnto subscribed, beinge therevnto appoynted, haue accordingly done it, beginge at the south end of Andevour, contynuing it in the cart way neere halfe a mile vnto a hill at the foot of the hill called Bare Hill, as it is marked with trees, then cominge into the beaten way which leadeth ouer a playne belonginge to Rowley, so leading on the southwest of a pond called Fiuemile Pond, & then contynuinge the cartway vnto a pond called M^r Bakers Pond, leauing the pond on the south, & so passinge ouer a little strip of meddow, & so on the cart way to M^r Winthrops playne, & so still the cartway on the south side of Cap^t Turners hill, & from thence the beaten way to Ipswich. Now, halfe a mile short of the Fiue Mile Pond *from Andevour begins the way to Rowley & Newbery, goeing in the beaten way of the south side of the Bald Hills, & contynuinge the beaten way vntill it come to the vppermost Falls Riuer, then by marked trees leadinge into the cart path leadinge from Hauerill to Rowley, & so on to a new feild of Rowleyes, & from thence, as it is marked by trees, to Rowley. Now, the way from Andevour to Newbery goes on the old cart way, leauing Rowley way at the beginning of a playne by a little swampe called Berbery Swampe, & so on the old way to the Falls Riuer, & from thence straight vpon the north side of M^r Shewills high feild, as still doth appeare by marked trees, from thence keepinge the old cart way on the head of Cart Creeke, & so runing on the north side of Richard Thorlyes feild, as it is now fenced, & so to John Hulls bridge, & so ouer the end of John Hulls playne vnto M^r Woodmans bridge, neere the mill at Newbery.

Highwayes
layd out.

Bear Hill.

Baker's Pond,
to Ipswich.

[*381.]

Rout of roads
to Newbury.

Wittnes o^r hands. RICHARD BARKER, JAMES HOW,
THOMAS HALE, JOHN PICKARD.

1653.

18 May.
Coggans, &c.,
answer.
J. Woody's es-
tate to be sold.

In answer to the request of M^r John Coggan & William Parkes, ouer-seers of the will of John Woodey, the Court doth graunt liberty to M^r John Coggan, William Parkes, & Richard Woody, Senior, or any two of them, to make sale of all the whole estate, viz^t, of howsing & p^t of the mill, together with all goodes belonging to the estate of John Woody, or any debt^l belonging to the estate, for the benefitt of the mother & child, p^ovided that securitie be giuen by M^r Coggan, or any other that will take the estate for the childe's p^oportion at twenty fower yeares of age, & that due education & mayntenance be giuen out of the p^oceede of the estate so sould from time to time, till he come to age as affore^sd, & that the securitie be giuen in at the next County Court, & then ratified to the p^oty that receiues the childe's portion.

Dauison
answer.
Mistick bridge,
toll to pay.

Vppon a petition p^offered by M^r Nicholas Davison, in the behalfe of M^r Craddocke, in reference to Misticke bridge, it is ordred by this Court, & hereby declared, that if any p^oson or persons shall appeare that will engage sufficiently to build, repayre, & mayntayne the bridge at Misticke, at his or theire p^opp cost^l & charges, it shalbe lawfull, & all & euery such p^oson or p^osons so engageinge are hereby authorized & haue full power to aske, require, & recouer of euery single p^oson passinge ouer the s^d bridge, one peny, & for euery horse & man six pence, for euery beast two pence, & for euery cart one shilling, & this to contynue so longe as the bridge shalbe sufficiently mayntayned as affore^sd.

[*382.] *There beinge a difference betweene the inhabitant^l of Dedham & Dedhams casc. seuerrall of the Indians about land which the Indians doe challenge within the bounds of there towne, vppon there request to this Court, M^r John Glouer, Cap^t Guggan, the surveyor generall, M^r Edward Jackson, & Leiu^t Roger Clapp, are appoynted a comitte^e & impowered to consider & determine what they shall judge necessary in relation to there request, & make there returne to the next session of this Court.

M^r Bradstreet^l
answer.

In answer to the petition of M^r Sym^o Bradstreet & M^r Thomas Wigan, the Court doth order that Elder Nutter & Francis Cary shall lay out for them one thousand acors of land vppon the great Riuer of Newitchawanett, in such place as they shall make choyce off, not intrenching on any towne boundes, p^oticuler mens p^oprieties, or to hinder a planta^t.

Ebedmelecks
censure.

Ebedmelecke, the serv^t of Jobe Lane, for runing from his s^d master, & stealing victualls on the Lords day, is adjudged to be whipt so it exceed not fve stripes, the rigor of the law for his offence being remitted.

Springfeilds
answer.

In answer to the request^l of the inhabitant^l of Springfeild, it is ordred, that M^r John Pinchon & M^r Elitzur Holioke shall, & hereby are, impowered

to giue the freemans oath to such as are capable to take it there, & that they shall haue a great gun lent them dūreing the Court℄ pleasure, if any such gunn can be found vndisposed off; & as touching theire military officers, this Court thinkes meete, for p̄sent, only to confirme M^r John Pinchon for theire leiu^t, & M^r Hollioke for theire ensigne, referring the confirmation of M^r Smyth for theire cap^t vntill hē shall returne from England.

1653.

18 May.

M^r Thomas Gayner, p̄feringe a petition for releife in respect of wronge he p̄tendes he receiued from M^r W^m Aspinwall & M^r Edw: Bendall, about the ship Planter, reē this answer: that the Court finding vppon record that M^r Gayners attorney, in May, (52,) prophered that if M^r Aspinwall would take his oath that the busines of the ship Planter was included in the aquittance p̄duced, that it should issue, & determine the case; the which M^r Aspinwall did; & therefore conceiue M^r Gayner is thereby barred, & hath no ground of further complaynt to this Court in respect of y^t case, but should therein acquiesce.

Gayners
answer.

This Court, vppon the request of the towne of Lynne, by reason of the countryes former engagment to the s̄d towne of Lyn, & to the vndertakers of the iron workes, thinkes meet to allow them ten poundes p̄ aⁿūm so long as the iron workes shalbe contynued, or dūreing the time of theire i^mmunities from publicke charges, graunted by this Court.

Lynns aⁿūitie.

M^r Joseph Rocke, of Boston, desiringe the resolutiō *of the Court whether a man be lyable to more then one fine for refusinge to serue in the office of a cunstable the same yeare, it was resolved in the negat̄, & may not be put vppon the same office agayne the same yeare.

[*383.]
Rockes reso-
lutiō.

The towne of Rowley hauinge fīue hundred acors of land, formerly graunted, neere the bounds of Andevo^r, this Court, vppon theire request, doth appoynt y^t Ensigne Howlett & Corporall Gage should lay out y^e same.

Rowleyes
answer.

The question beinge put, whether one chosen for p̄uing of weight℄ & measures, being a select man when chosen, & being left out the yeare followinge, may not yet remayne in y^e place afforesd, it was resolved in the affi^r.

Weight℄ &
measures.

Stephen Kent, beinge fined fīue pounds for selling to much strong liquors to the Indians, desiringe the abatement of his s̄d fine, is denied.

Kent℄ans.

John Guppy, being vnder a fine for putting in six corne for the choyce of one maiestrate, hath his fine abated to twenty shillinges.

Guppyes fīne
abated.

In answer to the petition of the inhabitant℄ of the Ile of Shoales, liberty is granted them for determining of ciuill actions which shall concerne them, where either one or both parties are inhabitant℄, & taken there, to the value of ten pounds; & that M^r Brian Pendlton, M^r Nicholas Shapley, Hercules

Ile of Shoales
answer.

1653. Hunkins, Richard Seeley, & Phillipp Babb be commissiono^{rs} for such cases, & y^t they, or any three of them, M^r Pendleton or M^r Shapley beinge one, may heare & determine all such cases legally brought before them, according to law, till this Court take further order therein; & for settlinge the military officers & company, the Court hath already pvided in that case in the order for the settlinge of the militia, made año 1652, which giues the cheife officer of euery company power to act herein; & for clark of the writtℓ now being p^sented, it is left to the discretion of the commissiono^{rs} affore^sd, or the majo^r p^t of them, to appoynt a meete man for that service, till the Court take further order therein.

Douers associ-
atℓ.

The freemen of Douer hauing chosen Cap^t Walden & M^r Valentine Hill for associates, theire s^d choyce is confirmed by this Court.

Springfeilds
answer.

In answer to the inhabitantℓ of Springfeilds p^etℓ, & others thereaboutℓ, this Court doth order, that M^r John Pinchon, M^r Holyoke, & some other of the petition^{rs} should be appoynted a committee to deuide the land petitioned for into two plantations, & that the petitiono^{rs} make choice of one of them, where

[*384.]

*they shall haue liberty to plant themselues; p^{ro}vided, they shall not appropriate to any planter aboue one hundred acors of all sortes of land, whereof not aboue twenty acors to be meddow, till twenty inhabitantℓ haue planted there, whereof twelue to be freemen, or more, which s^d freemen shall haue power to distribute the land & giue out p^{ro}portions of land to the seuerall inhabitantℓ, as in other townes of this jurisdiction, & that the land be deuided accordinge to estates or eminent qualifications, & that Samuella Chapin be joynd wth M^r Pinchon & M^r Holyoke for the diuidinge of the townes.

M^r Jos. Hills
gratuitie.

M^r Joseph Hills p^sentinge a writeinge to this Court, wherein is con-
tayned the seuerall p^{ar}ticularℓ wherein the country hath imployed him about the lawes, on p^{ro}seall whereof the Court doth order, that M^r Hills should haue ten pounds allowed him out of the next country rate, in reference to what service he hath done.

Addams cen-
sure.

George Addams, for selling two guns & strong water to the Indians, & haueing nothing to satisfy the law, is ordred to be whipt & discharged out of prison.

Yorke Courtℓ.

It is ordred, that M^r Belingham, Cap^t Wiggan, M^r Godfry, M^r Nicholas Shapley, & M^r Rishworth shall keepe the County Courtℓ at Yorke & Kettery for this yeare, at the times appoynted, & that they send out warrentℓ to the inhabitantℓ of Yorke & Kettery forthwth to p^{ro}ceede to a fayre election & nominatiō of three associates from amonge themselues to asist such magistrates & commissiono^{rs} as this Court shall appoynt to keepe their County Courtℓ for the next yeare.

In answer to the pet of Hugh Gunison, crauinge the remittment of halfe a yeares rent dew to the country for his drawinge of wine, the Court graunt[℥] his request, pvided that he allow as his act the beinge & acting of Euan Thomas as his compleate agent & debtor for all rent[℥] dew to the country from the time he left the place & imployment here.

1653.

18 May.
Gunisons answer.

In the case betweene Colonell Birch & Mr Mauricke, it is resolued on, & by this Court declared, that Noddles Iland & appurtenances, in the same condition as is expressed in the deede of sale to Capt Brigg, doth belonge to Colonel John Birch, & possession is to be deliuered vnto him, his heires, or assignes, vppon the payment or legall tender of seuen hundred pound starlinge at the storehowse next the waters side at the bridge in Barbados, in good marchantable suger, at prise current, as for bills of exchange payable in London imediatly after the expiration of thirty dayes sight of the judgment of this Court in this case, & that no charg be allowed to Colonel Birch.

Birches case.
Noddles Island.

*The hearing of the case betweene Mr^{rs} Mason & Mr Leader, in the request[℥] of theire agent[℥], is respited vntill the next session of this Court.

[*385.]

Masons case.

The comission^{rs} for the eastward bill of chardges, p^sented in seuerall p^ticulars to this Court, was 13^{li} 10^s 10^d.

Comissioners expences.

It is ordred by this Court, that the record touching Mr Nic^o Shapleyes case [^]entred. In the case betweene Mr Nicholas Shapleigh & Mr Robt Knight, on the hearinge & examination of all the evidences, the Court judgeth it meete to reverse the judgment of the Court of Assistant[℥], the 5th of the 7th moth, 48, so far as it any way respect[℥] Mr Shapley.

Shapleighs case.

In answer to the petition of Strabery Banke, it is ord, that there towne shalbe called Portsmouth, & that the lyne of theire townshipp should reach from the sea by Hampton lyne to Wiñacout Riuer, leauing the pprietors to theire just right[℥] & intrest[℥].

Portsmouth.

The Generall Court doe not find John Bett[℥] legally guilty of the murdering of his late serv^t Robt Knight, but, forasmuch as the evidences holds forth great pbability of his guilt of so bloudy a fact, this Court doth adjudge him as followes : —

John Betts his case, charged with murder of his servant.

First, that he stand vppon the gallowes one hower, with a rope aboute his necke, with one end throwne ouer the gallowes ; 2^{ly}, that he be seuerely whipt ; 3^{ly}, that he pay all the wittnesses 2^s p diem a peece for theire attendance both at the Court of Assistants & at this Court ; 4^{ly}, that he pay 15^{li} to the country towards the charge of the Court[℥], & that he be bound to the good behavio^r for one whole yeare.

In the case betweene the widdow Wilson, of Brantry, & Thomas Faxon, about Joseph Wilson, son of y^e s^d widdow Wilson, apprentise with the s^d

Wid. Wilsons case.

1653.

18 May.

Faxon, vppon a full hearinge of the case, the Court orders the s^d Joseph shalbe freed from his master, & be put apprentice to a new master by the select men of the towne & consent of two magistrates, & that y^e s^d Faxon haue 20^s allowed him in reference to all damages, & that therevppon the cow formerly distrayned be released.

A Court adjourned.

Whereas the Court at Salisbury was adjourned to the second third day of the fourth moth p^{re}sent, by reason of the troubles about the Indians, & some p^{er}sons questioned the legality thereof, this Court doth order the fore^sd adjournment shall stand good, & the s^d Court be kept accordingly.

Act^l illegall.

[*386.]

The Deputyes p^{er}ceiueing that some late act^l of o^r honord Magistrates in tender respect to the welfare *of the people, viz^t, the p^{re}paring of victualls & men to be in a readynes in case of imergent dangers, is not satisfactory vnto many inhabitant^l in all or most of the plantations in this jurisdiction, conceiueing that the lawes here established haue otherwise p^{ro}vided, & doe not so fully & clearly warrent those act^l, although we account & acknowledge o^rselues much bound to bless God for them & for their vigilant care for publicke good, & would by no meanes discourage or discountenance their good endeavours & intentions therein, yet, in discharge of the trust by God & his people committed to this Court, we thinke it o^r bounden duty to desire o^r honord Magistrates to consider seriously the fore^sd act^l, together with the seuerall lawes respecting such occasions, & that such order may by this Court be forthwith taken therein as may satisfy the myndes of the people in what is past, & that for time to come all occasions this way be avoyded, & a good vnderstanding be alwayes contynued & increased betwixt go^uerno^rl & gouerned, which, vnder God, is the cheife strength of this common wealth, as of all others. This was to be issued at a conference.

Lyndes answer.

M^r Symon Lynde, p^{re}ferring a petition for dammages ag^t Edward Bendall, sustayned by forbearance of money, is referred to the County Court of Suffolke for releife.

Birch his declaration.

A declaration of Colonell Birch ordred to be recorded.

I doe declare & publish to all men whom these may concerne, that I will justifie, that by the knowne lawes of England, I haue a right & tytle to Noddles Iland, in New England, & so cleare a right therevnto as any man hath to any thinge he there possesseth, the which I shall desire euery man whom it may concerne to take speciall notice off, that they be not deceiued in purchasing the same, or any part thereof, or paying any rent^l for any they doe hold, or may hereafter hold, from M^r Ma^uericke, his heires, or assignes; & I shall desire that this declarat^l may be entred in the publicke records of New England, that all men may take care they be not deceiued. J. B.

This Court desires that the commissiono^rs for the Vnited Colonyes will please not to depart till the messengers sent to the Monados be returned, & then, vppon the answ^r: brought from the Dutch, there may be ground of pceeding accordingly; & if the commissiono^rs please, the Court doth thinke it wilbe convenient to send a messenger away speedily, to bring away the commissions for such as are comissiono^rs for the two jurisdictions of Conectecott & New Hauen, that so, if Gd call vnto a warre, there may be no interruption of busines.

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18 May.
Comissiono^rs
called.

Vppon the case stated in reference vnto the injuryes & diffrences with the Dutch, this Generall Court doth desire a consultation with the gentlemē y^e comission^rs, *takeinge in the advice of the elders as shalbe p^rsent at time appoynted; & M^r Samuell Symonds, Major Gen^l Denison, Cap^t John Leuere^t, Cap^t Humphrey Atherton are appoynted as a committee to joyne with such of the commissiono^rs for the Vnited Colonyes as they shall please to nominate, to draw vpp the case respectinge the Dutch & Indians.

Court consulting, &c.

[*387.]

In answer wherevnto, the comissiono^rs made choyce of Cap^t Hawthorne, M^r Bradford, M^r Ludlow, & M^r Eaton to joyne with o^r comittee to consider & ppare the case for further advice.

Comissiono^rs
answer.

The question p^pounded by the Gen^l Court, whether the comissiono^rs for the Vnited Colonyes haue power, by the articles of agreement, to determine the justice of an offensive or vindictiue warr, & to ingage the colonyes therein.

The answer of the Gen^l Court to the question. First, more p^ticularly from the articles.

Comissiono^rs
power discussed.

The whole power of jurisdiction & gouernment is in the 3^d & sixth article reserued to euery colony, who saw not meete to diu^est themselues of theire authoritie, to invest the comissiono^rs with any p^t thereof, being altogether vnsaffe & vnnessessary to atayne the end of the confederacy.

The ninth & tenth articles constitutes the commissiono^rs judges of the justice of a defensie warre.

The fourth & fifth settle rules for leagues & number of men in a defensie warr & diuision of spoyles, but no where pvides for the determination of the justice of offensive warr, which therefore is reserued wholly to the determination of the supream power of the seuerall confederate jurisdictions, who would otherwise haue pvided in that case.

The sixth article, which at first view seemes to enable the commissiono^rs, will euidently evince the contrary, for the confederacy being betwixt the colonyes, the 4th, 5th, 9th, & 10th articles pvide rules, in seuerall cases,

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accordinge to which the confederates haue bound themselves to act, & the sixth article only orders & appoynt℥ who & in what manner the sd rules & agreement℥ should be executed, viz^t, the commission^{rs}, (empowered to act in the cases specified, & regulated in the former articles,) who were also bounded & regulated for their number of men, manner of proceedinge, times & places of meeting in the sixth & seuenth article, & that by necessity, because the supream powers of the seuerall jurisdictions could not assemble, they were enforced to *substitute delegates to order such thinges as were of p^{re}sent & vrgent necessitie, or meerly prudentiall & politicall, or of inferior nature, & that accordinge to rules prescribed by the confederates; but such thinges as require the highest act℥ of authoritie are in their nature of morall consideration, & may admitt of more time of deliberation; as an offensive warr, the wisdom of the contriueurs of the confederacy did not judge meete to referr to commissiono^{rs}, & therefore haue not p^{ro}vided rules in those cases of highest concernm^t, as they did in all cases of inferior nature.

Secondly, more generally.

The commissioners of the Vnited Collonyes are not (so far as we can discerne) invested with power to conclude an offensive warr, & to engage the colonyes to which they belonge to put the same in execution, farther then they are enabled by commission, or instruction, vnder the seale of their colony; much less can it stand with the jurisdiction & right of gouernment reserued to euery colony for six commissiono^{rs} of the other colonyes to put forth any act of power in a vindictiue warr, whereby they shall comānd the colonyes dissenting to assist them in the same; neither can it be the meaning of the seuerall colonyes, who are so tender of their power in gouerning of their owne, that they should put this power out of their owne handes, in the most waighly poynt℥—a bondage hardly to be borne by the most subjected people, & cannot be conceiued so ffree a people as the Vnited Colonyes should submitt vnto: it can be no less then a contradictiō to affirme the supream power, which we take to be the Generall Court℥ of each jurisdiction, can be comāunded by others; an absurdity in policy that an intire gouernment & jurisdiction should prostitute it selfe to the command; a scandall to religion that a Generall Court of Christians should be obliged to act & ingage vpon the fayth of six delegates agaynst their conscience, all which must be admitted in case, if we acknowledge o^r selues bound to vndertake an offensive warr vpon the bare determination of the commissiono^{rs}, who cannot, nor euer did, challenge authoritie ouer vs, or expect subjection from vs.

And to add this further, the case in hand may be considered vnder a

double head; first, what supream gouerno's of a common wealth, in poynt of confederatiō with an other nation, may doe; secondly, what this gouernment, in reference to the question in hand, hath done.

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Concerninge the first of these, it is to be considered what they may not, nextly what they may, doe.

Touching the last: first, they are to act in all cases not reserued expresly or implicitly; concerninge the other, they may not act ag^t fundamentall lawes, or what else the people haue reserued to themselues.

The next thinge is to consider (in some instance) what fundamētall lawes are. A fundamētall law of a people, or common wealth, is, to haue liberty, & to *exercise imēdiate choyce of their owne gouerno's, beē the supream gouerno's are betrusted with their liues & estates, in whom, vnder God, they doe acquiesce. But if they may delegate others, in stead of themselues, y^t are imēdiatly chosen, then they may elect or accept of straungers; that is to say, such as are of an other common wealth; and such delegates may also, vppon the same ground, impower others, & that without restriction of nation or number, which princypall, then, must needes be destructiue to such a common wealth; for then they may act to make an offensiue warr, which is an act of power in the highest nature.

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Concerning the second question, what this gouernment, in reference to this confœderation, hath done.

It is a rule in law, that in any legall act, what expressions or sentences are in it of doubtfull constructiō, the same are to be vnderstood for the firminge thereof, as far as may be, viz^t, not being contradictory, not being imperfect or vnintelligable, or not aboue or beyond the power of the actors: this being graunted, then the articles touching offensiue warr may be referred either to the begining of the warr, or to the directinge of it, or the managing of it by the commissiono^{rs}. If any of the articles should be taken in the first sence, namely, to giue power to the commissiono^{rs} to make an offensiue warr, then it is agaynst a fundamētall law, as before appeares; and besides the ground before mentioned, this may be added: in case the commissiono^{rs} should conclude a warr offensiue agaynst the judgm^t of the gouerno^{rs}, who are to act in their owne iurisdiction, then they must act to effect it, either agaynst their owne consciences, or else leaue the worke in a distractiue condition; but if it be to be taken in the later sence, namely, to direct the warr, being began, it is safe & prudentiall, because the foure gouernment℥ in this confœderation cannot carry on a warr that doth joyntly concerne them to act in; though to conclude or accept of such a pposition or determinatiō by the commissiono^{rs}, for such a warr, may & doth pply belonge to all the gouernment℥ before they be ingaged.

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18 May.
Commissioners
questions.

Questions ppounded by the commissiono^{rs}, viz^t:—

1. Whether the last meetinge of the commissiono^{rs}, at Boston, were not legally called, & may be legally contynued.
2. Whether the commissiono^{rs} of Conecticott, whose time is now expired, may not joyne with the other commissiono^{rs}, & act wth them.
3. Whether the adjournment of the meeting to New Hauen, frō Boston, doth bind the new comissiono^{rs} to attend it.

[*390.]

*The Court℥ answer.

Court℥ answer.

To the first. The last meetinge was legally called, but is & was dissolved vpon the expiration of all the commissions of the commissiono^{rs} of Massatusett℥ & Conectecott.

To the second & third we answer negatiuely.

The question being ppounded, whether the commissiono^{rs} of the Vnited Colonies should be called by this Gen^l Court, to assemble together to consult of & determine the weighty affayres of the seuerall colonyes, here in Boston, forth with, or as soone as may be.

The Court℥ resolution of the question in the affirmat.

Some qaries necessary to be resolued by this Court, as the state of the affayres of the colonyes doe now psent.

1. In case an extraordinary meeting of the commissiono^{rs}℥ be summoned to Conectecott or Newhauen, vpon a generall notice of danger, or information of a further discoūry of the plot suspected betwixt the Dutch & Indians, whether o^r commissiono^{rs} should goe or no.

2. If the times & wayes be dangerous, how they shall goe, & who shall make pvisions.

3. If the Indians make any assault vpon the English not in confederacy with vs, what is to be done?

4. If the commissiono^{rs} shall judge it necessary to make a defensiuē warr, whether this Court leaues it to the commissiono^{rs}, without consulting the Court℥.

5. If there should be need of raysinge souldiers, so judged by the commissiono^{rs}, how shall it be done?

6. In case there should be further & cleare proffe of the forementioned plott betwixt the Dutch & Indians, so judged by the commissiono^{rs}, whether this Court judges it just and necessary ground of warr, & would haue it psecuted accordingly.

The answer of the Court to these quæries ppounded concerninge the commissiono^{rs}, with their instructions:—

1. To the first we answer affirmatiuely, according to the articles of confederation.

1653.

18 May.

2. To the second, if the times & wayes speake reall danger to the vnderstanding of the commissiono^rℓ, it shall & may be lawfull for them to desire a meetinge of the counsell, who haue power to p^rvide for their saftie in their journey.

3. To the 3^d, if the Dutch or Indians, in their owne defence, shall assault any English that are not o^r confederates, we conceiue we need not trouble o^rselues; but in case the Dutch or Indians shall invade any of o^r countrymen which are not o^r confederates, we conceiue o^r p^rceedingℓ therein should be as in the case of an offensive warr.

4. To the 4th, the articles speake fully & p^rticularly to the question. 5. To the 5th, the articles of confederacy & o^r owne lawes p^rvide sufficiently in that case.

6. To the 6th, we conceiue, as we haue already *declared to the commissiono^rs, we are not obliged to the judgment of the commissiono^rs in that case, & doe further refer you to o^r instructions followinge, viz^t: —

[*391.]

If there be just & pressing reasons p^rsented to yo^r consideration, which shall p^rvayle with yo^r owne vnderstandingℓ for the necessitie of an offensive or vindictiue warr, you shall certifie to the Gouverno^r yo^r owne opinnions, & the reasons & evidences that are p^rsented to you in the case, that the Generall Court, which in that case is to be called, may receiue satisfaction therein, & act accordingly. In case of any invasion made vpon any of o^r confederates, or apparent danger thereof, the articles of confederation, more p^rticularly the 5th & 10th, may & ought to be yo^r instructiō, to which we are confident you will attend.

Whereas it is conceiued by some that the end of this Cortℓ sending their judgmentℓ concerning the articles of confederatⁿ vnto the hono^rd commissiono^rs was, or is, the breaking of y^e league of confederation wth the rest of the colonies, this Court doth therefore signifie vnto all whom it may concerne, & that there may be a right vnderstandinge betwixt this Court & the hono^rd commissiono^rs that it was not in the least intēded, neither is it desired; but as God hath bin pleased hitherto to keepe vs together in peace & loue, so we desire he will doe still to his glory, & all o^r comfortℓ.

A p^rtestatiō of
innocency.

We conceiue the proffes & p^rsumptions aleaged to be of much weight to induce vs to beleue the reallitie of the plott of the Dutch & Indians agaynst vs, & haue great cause to acknowledge the speciall favour of God in the discouery thereof, & the faythfull care of his servantℓ in authoritie ouer vs as the meanes, vnder God, of o^r contynued saftie & peace; yet vpon serious & conscientious examinatioⁿ of the proffes p^rduced, we cannot find them so fully conclusiue as to cleare vp p^rsent p^rceedingℓ for warr before the world, & to

The elders ad-
vice.

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18 May.

beare vp or hart℥ with that fullnes of pswasion that is meete in commendinge the case to God in or prayers, & to his people in or exhortation, the begining℥ of strife beinge as the letting in of waters; & conceiuinge good cause to hope that the discouery of the plott, through the blessinge of God, is & wilbe a great disappoyntment of it, therefore we humbly conceiue it to be most agreable to the gosple of peace which we pfess, & saftie of those colonyes, to forbear the vse of the sword till the Lord, by his pvidence, & by the wisdom of his servant℥ set ou vs, shall further cleare vp his mynd, either for or settled peace, or more manifest ground of warr, that we may not pceed doubtfully, & so vnsafely, in so weighty a case.

Guppy remitted.

Joh Guppy, being vnder a great fine for puting in more cornes then one for the choyce of a magistra℥, vppon his request to this Court, hath his fine abated to twenty shilling℥.

[*392.]

30 August.

**Att a Generall Court of Election, held att Boston, the 30th of the 6th Moth, 1653.*

About the Sabaoth.

VPPON information of sundry abuses & misdemeano^{rs} committed by seuerall psons on the Lords day, not only by children playinge in the streetes & other places, but by youtnes, maydes, & other psons, both straungers & others, vnciuilly walkinge the streetes and feilds, trauilling from towne to towne, goeing on shipboard, frequentinge common howses & other places to drinke, sport, & otherwise to mispend that pcious time, which thinges tend much to the dishono^r of God, the reproach of religion, & the pphanation of his holy Sabaoth, the sanctification whereof is sometime put for all duties imēdiately respectinge the service of God contained in the first table, it is therefore ordered by this Court and the authoritie, that no children, youths, mayds, or other psons, shall transgress in the like kind, on penalty of beinge reputed great pvokers of the high displeasure off Almighty God, & further incurringe the pñalties hereafter expressed, namely, that the parent℥ and gouerno^{rs} of all children about seuen yeares old, (not that we approue of younger children in euill,) for the first offence in that kind, vppon due profe before any magistrate, towne commissiono^r, or select man of the towne where such offence shalbe committed, shalbe admonished; for a second offence, vppon due profe as aforeśd, shall pay as a fine fiue shillings; & for a third offence, vppon due profe as aforeśd, 10^s; and if they shall agayne offend in this kind, they shalbe p^rsented to the County Court℥, who shall augment punishment according to the meritt of the

fact: & for all youths & maydes aboue foorteen yeares of age, & all elder psons whatsoeuer that shall offend & be convict as afforeſd, either for playing, unciuilly walking, drinkinge, travillinge from towne to towne, goeing on ship-board, sportinge, or any way miſpending that ꝑcious time, shall for the first offence be admonished, vppon due profe as afforeſd; for a second offence, shall pay as a fine fūe shillinges; & for a third offence, ten shilling℥; & if any shall farther offend that way, they shalbe ꝑſented to the next County Court, who shall augment punishment accordinge to the nature of the offence; & if any be vnable or vnwillinge to pay the aforeſd fines, they shalbe whipped by the cunstable not exceeding fūe stripes for 10^s fine; & this to be vnderstood of such offences as shalbe committed dureing the day light of the Lords day.

1653.

30 August.

Vppon complaynt of sundry abuses & inconveniences by occasion of the libtie for sellinge beere at three pence the quart, it is ordred by this Court that henceforth no beere shalbe sould for more then two pence the quart; & that braunch of the law that allowes beere to be sould at three pence the quart is hereby repealed; ꝑvided, this law take not place till one moth after this ꝑſent session.

Beere at 2^d y^e
quart.

Whereas the last session of this Court passed an order concerninge publicke preachinge without allowance, which order we vnderstand is dissatisfactory to **to* diuerse of o^r brethren whom we haue cause to respect & tender, although we conceiue the ſd order, rightly vnderstood, to be safe & much conduceinge to the ꝑſeruacion of peace & truth amongst vs, yet, that all jealousies may be remoued, the Court doth repeale the ſd order, and doth hereby enact that euery pson that shall publish & mayntayne any heterodox or dangerous doctrine, shalbe lyable to be questioned & censured by the County Court where he liueth according to the meritt of his offence.

Preaching of
priuat men.

[*393.]

Order on
preachers.

Vppon sundry complaynt℥ of the great taxations vppon the country in reference to publicke charges respecting the weightie occasions of this common wealth, & for satisfāc of the country therein, it is ordred by this Court & the authoritie thereof, that M^r Increase Nowell, M^r Edward Tynge, M^r Joseph Hills, shall joyne with the audito^r gen^l to examine & take the Treasurers accō, who shall ꝑſent the same vnder theire hands vnto the next session of the Gen^l Court, accordinge to the law, pag 16 in 2 booke; and it is farther ordred by the authoritie afforeſd, that, in case of non appoyntm^t as that law ꝑvides, that then the Treasurer shall tender his añuall accō to the Generall Court; & further, it is ordred by the authoritie afforeſd, that the seuerall gross sums of all the inco^ms, viz^t, vppon the añuall rate vppon impost℥, vintno^{rs}, entring of actions, fines, forfeitures, &c, as also of all expences, viz^t, of all Court℥, commissiono^{rs} gratuities, allowances, payment℥,

Treasurers acc^o
exam. by a
committee.

1653. debt℥, &c, be exactly by the auditor certified to the Generall Court annually, & expressed in all the coppies of the lawes sent vnto the seuerall townes made in the first session of the Court of Election, whereby the true state of thinges in that respect may be obuious to all that are concerned therein.

30 August.

Appeales.

For a more cleare & equall hearinge & determiñg matters of appeale, it is ordred, & be it henceforth enacted, that no pson that hath sate as judge, or voted in any inferio^r Court in that cause he is appealed from, shall haue any vote in the superio^r Court appealed vnto, but the case shall there be determined by such as are no way ingaged in the same by judging or voteinge in the same formerly, pvided there be more magistrates in the Court appealed to then in the Court appealed frō.

Jurors allowance.

Itt is ordred by this Court & authoritie thereof, that the graund juro^rs at County Court℥ be allowed 3^s p day out of the fines & other pfitt℥ not disposed off by any former order arising in each Court where they shall doe such service, or by the country if those incoms fall short.

[*394.]

Stronge waters to be entered before landed.

*It is ordred by this Court & the authoritie thereof, that euery pson whatsoever that shall bringe any strong waters into any of o^r harbours, except it shall appeare by coquett that they come directly from England, before he land any of y^m, shall first make entry of all & euery such caske, case, or other vessel of stronge waters, as he, or any for or vnder him, shall put on shore, by a note, vnder his hand, deliuered vnto the officer (at his dwellinge howse) ap-
poynted to receiue the customs, on payne of forfeiture of all such stronge waters landed before such entry made, wheresoeuer it shalbe found, the one halfe to the country, the other halfe to the officer, and the marchant or other pson, owner of such stronge waters, shall, vppon the landing of them, pay vnto the officer in the same commoditie for all strong waters, after the rate of ten shilling℥ p hogshead; and it is farther ordred, that the officer may further doe in all respect℥ as need shall require in the execution of this law, as is pvided in the law, title Impost℥, pag 27.

Marshalls & cunstables fees regulated.

Whereas all marshalls & cunstables, for seruinge executiōs & atatchment℥, haue bin by law allowed as their fees in all townes not exceeding one mile twelue pence, & for executions twelue pence in the pound to ten pounds, & six pence in the pound to thirty pounds, &c, it is ordred, that all marshalls & cunstables throughout this iurisdic^t shall haue for serueinge euery atatchment not exceedinge one mile fifteene pence, & pportionably as the miles encrease the fees to increase as heretofore; & all marshalls & cunstables, from time to time, shall henceforth allow & pay vnto Edward Mitchelson 3^d of euery fifteene pence they receiue for seruinge of an atatchment, & further shall allow & pay the sd Edward Mitchelson three pence out of euery shillinge which they or any of them

shall leuy in any pt of this jurisdiction by way of fines or executions, which this Court allowes him as a meet encouragment for his service in the place of generall marshall; and further, it is ordred, that the sd Edward Mitchelson shall haue not only the sole benefitt of the areares dew to the country from all such as haue retayled stronge waters without licence, two pence p each quart, but also shall haue the sole benefitt of the custome graunted by this Court of two pence p each quart of stronge waters retayled by any in this jurisdiction, by licence or otherwise, which if any shall refuse to satisfie, on his complaynt, & profe made by him of any stronge waters retayled without licence, the pty that hath offended shalbe lyable to pay as a fine five pounds, *one halfe whereof shall goe to the country, & the other halfe to the sd Edward Mitchelson, & his sallery of 10^{ld} p añum is taken off dureing his enjoyment of the custome of strong waters as afforešd, & shall farther haue the sole benefitt of the late impost graunted on strong waters to his owne vse & benefitt. This law to be in force two yeares.

1653.

30 August.

[*395.]

Whereas, by a late law, made October, 1648, there was some encourag- Woolues.
ment both to English & Indians for the destruction of woolues, which hath ben found pfitable vnto the country, but is now expired, it is therfore ordred by this Court, that the sd law be agayne reuiued, & stand in force as before.

Vppon information of many inconueniencies & diffrences by meanes of Fences.
deficient fences, it is ordred by this Court, yt the select men of all townes shall make wholsom orders for the repayinge of all fences, both generall & p̃ticuler, within theire seuerall townships, exceptinge farmes of one hundred acors, & haue power to impose fines vppō all delinquent℥ not exceeding twenty shillings for one offence; & if any select men shall neglect to make such orders as afforešd more then one moth after the first of the last moth next, they shall forfeit five pounds to the vse of the town, & so for euery mo^{ths} defect for after time.

This Court, hauinge taken the condition of the Castle into their considera- Castle
tion, doe thinke it necessary thát som thinge be done by way of repayration, com̃ittee.
and doe therefore order, that there shall be a small ffort erected there, the charge whereof shall not exceed three hundred pounds, the one halfe of which to be payd out of the next leuie, & the other halfe out of that which will be the next yeare; & for the better carrying an end of that worke, Majo^r Edward Gibbons, Majo^r Robt Sedgwicke, Cap̃ Joh Leueritt, Cap̃ Humphry Ather-ton, Cap̃ Thomas Clarke, Cap̃ Frauncis Norton, & M^r John Johnson, who are hereby impowred as a committee to make composition with any workmen for the effectinge thereof accordinge to their best discretion, & what shalbe by them so done this Court will confirme & allow, p̃vided they exceed not the sune aboue exprest.

1653.

30 August.
Magistrates
allowance.

[*396.]

Secretaries
allowance.

Juro^rs allow-
ance.

Charge of
deputies.

Militia
ordered.

This Court, consideringe the many complaynt^l of the country in respect of publicke charges, which they are very sensible off, & very willinge to their vttmost to remoue, doe order & enact, & be it hereby ordred & enacted, that euery of the magistrates, who haue borne the burden of that place for the space of ten yeares past, shall henceforth be allowed, to defray their owne expences at all Gen^l *Court^l, Court^l of Assistant^l, & other meeting^l, as they are magistrates & standinge councill of this common wealth, thirty pounds a peece p^r aⁿum; and all other magistrates of lesser standinge, for their expences, as afore^sd, twenty pounds a peece p^r aⁿum; & such magistrates as shall hereafter be called to that service, fiteene pounds a peece p^r aⁿum for all their expences, as afore^sd; & that the Go^vno^r for the time being, from yeare to yeare, be allowed in like manner, for himselfe & attendant^l, on hundred & twenty pounds p^r aⁿum; & that the secritary be allowed, for his paynes & expences for the Generall Court & councill, forty fue pounds p^r aⁿum; & that all the charges of the seuerall County Court^l, both judges, juro^rs, & officers, shalbe borne by the actions arising in each county in which they are holden, & that all graund jury men be allowed, for their expences, three shilling^l a mā p^r diē, & the juryes for triall of causes fower shilling^l p^r actiō. And if, vppon triall hereof, it shalbe found burdensome to any county, in respect of the charges of County Court^l, vppon complaynt to this Court, it may be remedied by increase vppon actions, or otherwise; & that such townes as haue not more then thirty ffreemen shall henceforth be at libtie for sending, or not sending, deputies to the Gen^l Court, & all such townes as shall send deputies vnto the Gen^l Court shall beare the whole charges of their respective dep^{ties}. And it is further ordred, that the rate vppon the poll be twenty pence, & no more; & this law to take effect the 20th of this instant Sept, & that the Court of Electiō be kept at Boston.

Vppon obseruation of some inconueniencies in seuerall respect^l, in reference to the militia, & for the better improuement both of the horse, foote, & great artillery within this jurisdiction, it is ordered by this Court & authoritie thereof, 1. That no commission officer of a foot company shalbe a listed troop.

2. That in case of an alarme, euery troop shall fitt himselfe in all respect^l for service, on p^renalty of fue pounds, & that the troopers in each towne shall diligently attend such expeditions as the committee for the militia in their townes shall require, vntill they shall otherwise be commaunded by som p^rsent order from their imēdiate cheiftay, or other superior officer. 3. That henceforth all millers, boatmē, & fishermen, vnles such as be constantly imployd in fishing, at all fishing seasons, shall attend all trayninge &

watching, as other souldiers, or make allowance to the company as their cheife officers, or the cheife officers of y^e regiment, shall appoynt. 4. That such farmes as haue 20 acors, or vpward, of land in tyllage, & 20 head of great cattle improued vpon, or belonging vnto such farme, whose mansion or dwelling howse is, or shalbe, more then four miles from the place of *exercisinge the company to which they belonge, or that haue any ferry to pass ouer, euery such farme, vpon allowance to the company, shall haue one souldier exempt from ordinary trayning℥; & such souldiers as haue a fferry to pass ouer shall not be called to their townes to military watches, but shall watch & ward as their cheife officer shall direct otherwise.

1653.

30 August.

[*397.]

5. That all warrant℥ for impressinge of men for warr shall henceforth be directed to the committee for the militia in each towne, to execute the same by the cunstable. 6. That the committee for the militia, in Boston, shall henceforth be of the magistrates residing in the sd towne; the cheife officer of the horse, if dwellinge there, & the cheife officer of each company of the ffoot within the sd towne, or the major pt of them. 7. That the foot companyes may henceforth be exercised at any time in the yeare, as their cheife officers shall direct, according to law. 8. In respect of superioritie of comaunders & company, it is ordred, that all commanders shall take place acordinge to the seniorities of companyes, as formerly, which, on long experience, hath bin found peaceful & satisfactory to the souldiers.

Whereas Major Generall Daniel Denison did, vpon intelligence of som Souldiers pay. thousand of Indians at Pascataq, & the great affright of the people in these pt℥ the last springe, order a party to make a true discouery, & to quiet the myndes of the inhabitant℥, who were much distracted, & taken of their employment℥, it is hereby ordred, that the cunstable of Ipswitch, Rowley, & Newbery, out of which plantations all the souldiers were taken, shall, by order from the major gen^l, pay to euery foot souldier, for euery dayes service, 1^s, & to the sarjt that commaunded them, which were 3 or 4 men, ij^s for euery day, & to two troopers 2^s 6^d p day, which seuerall sums shalbe allowed by the Treasurer to the respectiue cunstable in their account℥. The time of service was from Fryday morninge till Munday night.

Cap^t Willard & Sergeant Joh Sherman, being appoynted by this Court to M^r Rices land. lay out 200 acors of land, graunted vnto Cap^t Jenison, vnto Edmund Rice, the purchaser, layd it out accordingly, bounded on the east neere Watertowne bounds; vpon the west partly wth M^r Dunsters farme; vpon the south it poynt℥ neere Dedham bounds; vpon the north it lyes neere the bounds of Sudbery.

This was subscribed with their hands, & approued off by the Court.

1653.

30 August.
Carwithys
agents.

[*398.]

*This Court being informed by Lieut W^m Davis & M^r Henry Shrimpton, that M^r Digory Carwithen is departed this life, by reason whereof the affayres of the owners of the shipp New England Marchant, for freight, deliury, & disposall of the sd shipp & goods, respectinge the accomplishment of his voyge, is wholly left destitute, both of a meete master & power to carry on both the accō of the sd owners & M^r Carwithyes owne affayres, & havinge pvsed the last will & testament of the sd Carwithen, findinge his care, both for the owners & his owne affayres, to be such as, by a tre of attorney & last braunch of his will, desireing that the sd Lieut Davis & M^r Shrimpton, as his agent & attorneyes, should fully be impowred to sue, demanda, & recouer all debt, goods, freight, &c, due to him or the sd owners, the Court judgeth it meet that the sd Lieut Davis & M^r Shrimpton shall, & hereby are, impowred to act accordinge to the sd tre of attorney & last braunch of the sd will, & they are to be responsall so farr as the estate they receiue into their hands reacheth vnto, also for all debt owed by the sd Carwithen, or what else may justly be challenged from the owners of the sd shipp, that so the estate of the owners & M^r Carwithen may not suffer, nor be imbezled, nor yet the estate of any other by their defect.

Beckett
answer.

John Beckett, Anthony Binge, & others of Cap^t Thurstons men, puttinge in a petition to this Court for their wages, are referred for redress to a County Court, or speciall Court, as they shall see cause.

Blantons
answer.

W^m Blanton, pferinge a petition for satisfaction for the dyet of two French men billeted at his howse a moneth, is allowed fve shillings a weeke a peece, which the Treasurer is to satisfy.

Blantons case.

This Court, on a hearinge of the case betweene W^m Blanton & certayne Indians, which he acuses for breakinge vpp his chest & caringe away his money, doe not find the Indians legally guilty of what is charged on them, & doe therefore judge that the sd Blanton should pay what charge hath bin expended by the Indians in the prison.

Boswell
answer.

In answer to the petition of Isaacke Boswell, of Salisbury, for releife in respect of the title to certayne howse & lands bought of M^r Batt, this Court, findinge the petitiono^r had a legall deed of sale from M^r Batt for the sd howse & land, possession of it & payment for it, & that Cheney, nor any in whose behalfe he sued at Salisbury Court, hath any legall right to it, & therefore
[*399.] *judge that the sentence of the Court at Salisbury is to be of no force, & that the petitiono^r shalbe satisfied all his charges expended in the case, & remayne in peaceable possession of the pmisses.

Hampton
boundes.

M^r Samuell Winsley, M^r Thō Bradbury, & M^r Robt Pyke, being chosen by the Gen Court to lay out the west ends of Hampton boundes, vppon their

best information, haue concluded that their west lyne shall run from the extent of the lyne formerly agreed on, to come within two miles of Exeter meetinge howse, vppon a direct lyne to that pt of Alse Brooke where the high way goes ouer, & from thence vppon a direct lyne, so as to leaue Exeter Falls at y^e towne bridge, a mile & a halfe due north of the same, & from thence vppon a west & by north lyne as far as the vttmost extent of Salsbury bounds that way. Their names were subscribed.

1653.

30 August.

There beinge in the year 1643 a farme of 200 acors graunted to Mr John Allen, pastor of Dedham, at Bogerstow, vppon Charle Riuer, Cap^t Lusher & Edmund Rice being appoynted to lay it out, & they having done it accordinge to the Court^e graunt, theire returne is approued of by this Court.

Mr Allens
farmes.

Martin Stebbins, beinge fined fīue pounds for brewinge without approbation, petitioned for the remittinge of his s^d fine, which pet^e was not graunted.

Stebbins fine.

This Court hauinge considered the letters & papers from the Generall Court^e of Conectecott & New Hauen, which were directed to the Gouvernor & counsell, & by them referred to the considera^{co} of this Court, the content^e whereof we find to be of great concernment to the s^euall Vnited Colonies, and the rather because we p^eciue the opinnions of the s^d Court^e seeme different from o^r owne, & therefore we judge it most conducinge to peace to waue disputes concerninge the poynt in controversie, not be^c we haue not reason to iustifie the substance of o^r declaration, or to answer the reasons brought to mayntayne theire assertion, which concludes not the question in difference, but only that which we neuer denyed, viz^t, that the commission^{rs} haue, by the words of the articles, power to determine the justice of an offensive warr; o^r assertion, which they seeme to oppose, being this, viz^t, the commission^{rs} haue not power to determine the justice of an offensive warr, so as to oblige the seuerall colonyes to act accordingly, which, if it had bin observed, would haue p^rvented that opposition that hath bin made; for we haue no cause to doubt but the rest of the colonyes, well considering the case, will readily joyne with vs in the explication of the articles; whereas it is agreed for the mannaging *and concluding of all affayres, &c, two commission^{rs} shalbe chosen by, & out of, each of these fower jurisdictions, &c, which shall bring full power to heare & examine, weigh & determine, all affayres of peace or warr, &c; p^rvided, that in the case of an offensive or vindictiue warr, taking in more confederates, makeing of leagues, & sendinge of aydes to any other then o^r confederates, the Generall Court^e of each jurisdiction be at there liberty to act according to theire owne light & consciē, notwthstanding any determinatiō of the com^{ss}ion^{rs} in the s^d cases; and this reason may induce all

1 September.

Collonyes an-
swer to Con-
necticut.

[*400.]

Explicat.

1653. the colonys, be^c the Generall Court℥ will in the s^d cases (de facto) be judges
 of the justice of theire owne act℥, it not being to be supposed they will act
 in such weightie occasions without satisfaction to their consciences, & there-
 fore, de jure, they ought to be ffree, & not to be vnder a dilemma, either to
 act without satisfaction ag^t their light or be accounted couenant breakers,
 which will hazard the breach of the confederacy, which may by this means
 be preserued. Sept 1st, 1653.

2 September.
 Commission^{rs}
 answer.

An answer to a writeing newly receiued frō y^e honord Generall Court
 of the Massachusetts℥.

The commission^{rs} for the three smaller colonyes haue brought with
 them full power from their respectiue jurisdictions to heare, examine, weigh,
 and determine all affayres of peace & warr, leagues, aydes, &c, accordinge to
 the gramaticall & true sence of the articles of confederatⁿ, & hoped the com-
 mission^{rs} of the Massachusetts℥ should haue bin invested with the same
 power which the former interpretatiō & the p^sent writeing receiued from this
 Generall Court doth seeme to cross. They know well that no authoritie or
 power either in parent℥, masters, magistrates, commission^{rs}℥, &c, doth or
 ought to hold ag^t God or his commaunds, but they conceiue that is not the
 questiō here, nor is any clause or cautⁱ more clearly & fully (as they app^r-
 hend) inserted in the framinge of any common wealth jurisdiction, &c, to
 p^serue peace & rightcousnes, then in these articles of confederatⁿ. The com-
 mission^{rs} haue met these ten yeares, & through the p^sence & assistance of
 God doe not yet know of one vnjust conclusion made or passed by them,
 though herein they assume nothinge to themselues, who are men subject to
 infirmities as well as others; this, then, is not the cause of the late interpre-
 tatiō or p^sent difference; it seemes to haue some other bottome. They con-
 ceiue this Generall Court resolute from time to time to judge, not only of the
 justice, but of y^e conveniency, of what the commission^{rs}℥ conclude, *and that
 each of the fower Generall Court℥ shall doe the like, & to act no further then
 themselues will p^res to se light, & to receiue satisfaction to theire consciences;
 so that, though the commission^{rs} determine vpon grounds good & saffe in
 themselues, yet their conclusⁿ, as most thing℥ are, shall in one Court or other
 be still lyable to doubt & question, which aparently tend to breake the con-
 federatiō, for they conceiue that neither colonyes nor commission^{rs} will find
 encouragment to beare such charges & make such journeyes vpon such
 vncertaine & vnsatisfyinge termes. Sept 2^d, 1653.

3 September.
 Court℥ reply.

The Court of the Massachusetts℥ cannot but judge it nessessary that the

explicatiō, p̄sented in oʳ last paper, be inserted into the articles of confederat̄, as much condeuceing to the right vnderstanding of the confederacy, & the office & nature of commission^{rs}, who at first, & in some colonyes to this time, were chosen by the Gen^l Courtℓ to be their counsell in those weighty affayres, not to be their goūnors to commaund or enjoyne them, the consequence whereof, we suppose, will in a little time be resented by others as well as oʳselues; therefore we, beinge desireous to avoyd contests or plix disputes wthe commissionors, doe desire that this may be accepted as oʳ finall conclusion for the p̄sent, viz^t, that we cannot graunt that the seuerall jurisdictions are subordinate or subject to the authoritie of the commissionoʳs, & therefore not bound in foro ciuili to execute their determinatiōs, nor act according to their judgmentℓ in makinge of offensive warr, leagues, or ajdes, beç the power of making warr & peace cannot be taken or giuen without the destruction of the souv̄aigntie of a goūment, i. e., wthout making no goūment, or dissolvinge the goūment; notwithstanding, if their judgmentℓ & determinations be just, & according to the word of God, we doe acknowledge the colonyes to be bound to act accordingly, not only in foro conscientiæ, beç the determinations aʳ just, but in foro ciuili, beç of the contract & league betweene the confœderates, although not by the authoritie of the commission^{rs}. Sep^t 3^d, 1653.

1653.

3 September.

Honourd Gentlemen: The commissionoʳs of the three smaller colonyes Com^{rs} returne. did suppose the answer giuen by two of the Gen^l Courtℓ had sufficiently cleared the sence of the articles & power of the commissionoʳℓ. The colonyes confœderating, & the freemen chooseinge & sending them, doe impower them to conclude & determine in all affayres prop to the confederatiō; if any doubt yet remayne, we conceiue it may be further cleared by what was p̄sented by or from yoʳ selues to the commissionoʳℓ at Plymouth, anno 1648.

*About explanation & settleinge a right vnderstandinge concerninge some [*402.] thinges in the articles.

1. First, that by safty, in the second article, is only intended safty from any enemy, not from common p̄vidences, as famine, pestilence, &c, & the samē of common welfare.

2. That the scope of the eyght article extend only to causes which concerne diuers of the colonyes, (not any one in it selfe,) or some one or more of the colonyes, & some neighbour plantations not wthin the confœderacō, & by Indians to be meant Indians, straungers, &c.

3. In cases of a ciuill nature, where the commissionoʳs may haue power to

1653.

8 September.

make orders, &c, yet not to haue power to make any gen^l officer of a ciuill nature to execute such orders, but the same to be executed by the officers of such jurisdiction as shalbe concerned therein; & if such jurisdiction or colony shall not submitt & pforme, &c, after due admonitiō, then to be responsall to the rest of the colonyes for breach of league & couenant, and to be declared what further power the commissiono^{rs} haue in such cases, &c.

The commissiono^{rs} then concurred with the Massachusett^l in these explanations, as clearly agreeing with the scope of the articles, as may appeare by the records of that session, but could not admitt of any alterations p^pounded.

Whereas this honrd Court express their confidence to be secured from any imputation of violating the articles before impartiall judges, they mention not who these judges are, but the commissiono^{rs} conceiue they intend o^r impartiall superio^{rs} in England, wherewith they readily close.

What addresses this Court shall please to make to the other three Gen^l Court^l, the commissiono^{rs} are assured wilbe (accordinge to righteousnes) duely attended.

The diffrence you would put betweene the power of Gen^l Court^l and the commissiono^{rs}, within theire prop concernment^l, we vnderstand not, nor doe we conceiue yo^rselues were of y^t mynd in año 1648. We haue sufficiently expressed o^r apprehensions, & shall only add, that when any authority impose p^onaltyes in cases where the subject cannot, according to God, obey, guilt wilbe charged; Joab sinned in obeying in the death of Vriah, & David had also sinned, had he punished Joab for his disobedience to such a commaund. As no colony hath power to act for the rest, so no one colony within this covenant of confederation may, to the prejudice of the rest, reject the determinations of the commissiono^{rs} not manifestly vnjust.

That peculiar jurisdiction which the articles reserue to each colony the commissiono^{rs} neuer questioned, nor they hope shall euer haue any thought in the least to incroach vpon; but wherein that consists yo^r selues express in yo^r pposition in año 1648, before mentioned; & by a due consideration of
 [*403.] the passages in other articles, compared *with the 11th, you may possibly receiue further light.

To conclude, we may safly (to say no more) ptest o^r owne readynes to pserue the articles in their full strength, & to attend o^r duty in the p^sent meetinge, obstructions cast in by this Court being duely remoued; if you, therefore, please to expresse yo^r resolution to contynue the just power of the commissiono^{rs}, accordinge to the true sence of the articles, as, till this yeare, euer intended & vnderstood, both by yo^rselues & all the other colonyes, till any other articles, explication, or pvision be agreed on by y^e foure Gen^l

Court℄, the commissiono^{rs} shall p^sently & chearfully p^{ro}ceede; if not, without further loss of time, they desire to returne to their other occasions, & shall close with yo^r close, in leauing the whole cause to the wise & just Judge, who knowes both o^r seuerall aymes, & all the passages in this dispute betwixt vs. Sept 8th, 53.

1653.

8 September.

To the commissiono^{rs} of the Vnited Colonyes. Gentlemen: We se not reason to protract time in fruitless & needles returnes; we shall acquiesce in o^r last paper, & committ the success to God. Sept 9th, 1653.

9 September.

Court to
Com^{rs}.

The Court, beinge informed by one of o^r commissiono^{rs} that o^r true meaninge concerninge the question in debate is not rightly vnderstood by the rest of the commissiono^{rs}, wherein if they were satisfied, all obstructions of their p^sent acting℄, according to their commissions, would be remoued, doth declare that we judge & graunt that, by the articles of confederation, so farr as the determinations of the commissiono^{rs} are just & accordinge to God, the seuerall colonyes are bound, before God & men, to act accordingly, & that they sin & breake couenant if they doe not; but otherwise we judge we are not bound, neither before God nor men. Sept 10th, 1653.

10 September.

The which this answer was returned: —

The commissiono^{rs} for the three colonyes judged of the meaninge of the Massachusetts Gen^l Court by their expressions in former writing℄, and accordingly returned answers, to which they still referr; what that Court doth this day declare the commissiono^r℄ so farr accept that they purpose presently to p^{ro}ceede, referring all further questions to the adresses the Massachusetts℄ shall please to make to the other Gen^l Court℄. Sept 10th.

At the request of the military company of the towne of Roxbury, this Court doth confirme Ensigne Johnson to be their captayne, Sergeant Craft℄ for their leiu^t, & Sergeant Boles for their ensigne.

Major Gen^l Denison is chosen to supply the place of the secretary in the absence of the secretary.

Seuerall of the inhabitant℄ of Roxbury, desireing an oppertunity to p^sent their reasons of *of non satisfaction in the choyce of Captayn Johnson, had their request graunted; but the Court, notwthstanding what was then aleaged, saw no reason to alter or recede from their former vote of confirmation of Capt^t Johnsō.

[*404.]

In answer to the pe^t of Peter Bent, for repayra^t of his dammag sustayned in his horses goeing on the cuntryes service to Conectecott, the Court vnderstanding the petitiono^rs horse was the worse for the journey, at least six pounds in the value of it, besids his charg for the cure & the hire of it, they order that he shall be allowed ten pounds out of the country leuie, if

1653. he accept thereof, or otherwise he may haue libtie to sue the Treasurer, & recover what dammage he can justly proue.

19 September.

The commissiono^{rs} answer to a second writinge, re^d from o^r Gen^l Court, the 6th of Sep^r, 1653.

The foure colonies, vniteing, did, by expresse words, & accordinge to the true sence of the articles, enter into a ppetuall league & couenant, for themselves & posteritie, y^t their eyght commissiono^{rs}, or any six of them, should haue full power to heare, examine, weigh, & determine all affayrs of warr & peace, leagues, aydes, &c, prop to the confederatiō, wherein no one colony or Gen^l Court alone can haue power to act for the rest, though the commissiono^{rs} still readily acknowledge that all counsellis, lawes, & conclusions, whether of magist^r, Gen^l Court^l, or commissiono^{rs}, so far as they are manifestly vnjust, are, & ought to be, accounted of no force: let God be exalted, & all sort^l of men set, where they should be, at his feet; but the power of determininge cannot be taken from the commissiono^{rs} without violation of the couenant^l; they haue no power to make new articles, nor may act as commissiono^{rs} if the forme be broken; they shall acquaint their respective Gen^l Court^l with the finall conclusion of this colony, dated & re^d this p^{re}sent day, & leane it to their consideration, propoundinge it to you whether it will not be a great sin ag^t God, & very scandalous before men, that a confederatⁿ five years vnder deliberation, in New England, & since continued ten yeares, wthout inconvenience, may, wth a blessinge, — a confederation wherein euery article was considered & weighed, not only by a committee from each of the foure jurisdictions, but by the whole Gen^l Court of the Massachusetts^l then sitting; a confederation for which prayer was put vp publickly while it was vnder treaty, & publicke thanks returned when it was finished, — should by this Court be first disturbed, by a strayned interpretation, as if the articles gaue no power to the commissiono^{rs} to act in an offensive warr, & after, when that was cleared & yeelded, to deprive them of all power in offensive warr, leagues, aydes, &c, they must meett only to giue advice, *which any of the senerall jurisdictions might take or leane as themselves se cause, & so make all voyde, & that be^c the majestie or honour of gouernment cannot be preserved if the power of makeing warr & settling peace be in the hands of commissiono^{rs} chosen generally out of & by the freemen of the fower colonies, which, by the confederation, are made & ordred to contynue one, & to be & to be called by the name of the Vnited Colonyes of New England, whereby the couenant & league so solemnly, & seriously, & religiously made must necessarily breake & be disabled; but whether this violation pceede from some vnwarrant^d scruple of conscience, or

[*405.]

from some other ingagment of spirrite, the Massachusett^l neither express, 1653.
 nor will the commissiono^r^l determine, but leaue it to the wise & righteous
 God, who is the only Lord of the consciences of men. Sept 6, 1653. 10 September.

To a question ppounded by the executo^{rs} of the last will & testament of Thomas Dudley, late [^] Roxbury, Esq^ꝝ, whether his estate should be lyable to the country leuie now to be gathered, the Court resolves in the negatiue.

Mr Christopher Batt being playn^t in an action of the case ag^t the towne of Salisbury, about the devisiō of meddow, in which, at a County Court at Salisbury, he sued for a proportion, & being cast in the actiō, appeales to the Court of Assistant^l, where the jury found for the playn^t; but the Court not consenting to re^e the verdict, it came to the Gen^l Court of course. The Court, on a full hearing of the case, & all the evidences therein, found for the towne of Salisbury.

In answer to the petition of Mary Carter & her sons, Samuell & Joseph Carter, for advice concerninge the disposinge of certayne legacies giuen by Thomas Carter to his grand children, the Court thinkes the way ppounded in the petition is best for the good of the grandchildren, & therefore are willinge that ten pounds be deliuered to each of the parent^l of the legatees, with the pportion of the price of the acor of land is sold for, they giueinge securitie to the executo^{rs} to pay the widdow for her life what shalbe equall, & to the child of each of them, accordinge to the will.

This Court doth appoynt Mr Samuell Andrew & Jonā Clarke, of Cambridge, with all convenient speed, to find out the place vppon the sea coast where the vttmost bound of o^r patent is, & to erect some marke or heape of stones at the place, & run the lyne, & marke trees forty pole into the woodes east & west, paralell to the latitude heretofore taken within the land, viz^t, 43 deg^ꝝ, 43 minut^l, & 12 seconds *of north latitude, & to make returne vppon oath before the Deputy Gouverno^r, or any other magistrate, which is to be entred by the secritary; & for their paynes & skill in this worke the Court doth appoynt Cap^t Gookin to make agreement with them, which agreement the Treasurer is hereby appoynted to pay accordingly, & the former order about Mr Ince & Serg^t Sherman is hereby repealed. [*406.]

It is ordered by this Court, that the Treasurer shall pay vnto the p^sent secritary six pound, for powder sold vnto the cap^t of the Castell, expended at Mr Dudleyes funerall, & that, accordinge to a former agreement with him, both for price & pay, this to be payd out of this country rate now in beinge, & the cap^t of the Castle is to take vp his bond.

It is ordred by this Court, that Goodman Heydon, of Brantre, shall haue Heyden's son.

1653. five pounds payd him this yeare by the Treasurer, towards the keeping of his distracted son, as in times past.

10 September.

In answer to the request of Cap^t Wiggan & M^r Bradstreet, Elder Nutter & M^r Samuel Winsley are appoynted to lay out the land formerly graunted them vppon Quanhiggin Riuer, accordinge to the graunt.

Andover &
Reading high-
way.

Cap^t Richard Walker, Thomas Marshall, & Nicholas Holt, being ap-
poynted by the Court to lay out the country high way from Andevour to
Reddinge, haue thus agreed to follow the cart way from Andevour to Good-
man Holt^e farme, leauinge his howse about a quarter of a mile on the left
hand, & so in a straye south, or neere a south lyne, to the falls of Ipswich
Riuer, accordinge to the marked trees, & so from a riuer vppon the like
strayght lyne, to the head of a meddow called the Great Meaddow, to the saw-
mill in Readinge, & from thence through the common corne feilds to the
meetinge howse, leauinge the lott of Josias Dordin on the right hand, &
Zachariah Fitt^e his lott on the left hand; & we agree that the sd highway
shalbe fower rode wide at the least, in all places except through the common
feilds at Readinge, & there not to be less then two rods wide.

In answer to the request of M^r Bradstreet, Major^r Generall Denison, &
the executo^rs, in the behalfe of others of M^r Dudley's children & grandchil-
dren, power is hereby giuen & graunted to the parent^e & guardians of the sd
children, to lett, sell, or dispose of Watertowne mill for the vse of the heires,
& with their consent.

[*407.]

Immanuel
Downing
600 acres.

*In answer to the petition of M^r Emanuell Downinge, itt is ordred, that
M^r Samuel Winsley, M^r Thomas Bradbury, Th^o Coleman, & W^m Estow, or
any two of them, M^r Winsley beinge one, shall & hereby are appoynted to lay
out the farme of six hundred acors formerly graunted him in satisfaction of
fifty poundes layd out by him for the country, to be layd out on the further
side of the riuer, neere to Dover bounds, beinge cleare of all graunt^e.

Redding &
Winnesmett
road laid out.

Thomas Marshall, John Smyth, & John Sprague, beinge chosen to lay
out the country high way betweene Reddinge & Winnesemett, do lay it out as
followes: from Reddinge towne, through Maldon bounds, betwixt the pond &
John Smyths land, & so by the east side of M^r Joseph Hills land, to New
Hockley Hole, & so in the old way by the Cow Pen, & thence along on the
east side of Thomas Coytmores lott, by Ele Pond, in the old way, to Thomas
Lynds land, then through the first feild, & so by the feild by his howse, from
thence, on the old way, by Maldon meeting howse, through the stony
swampe, from the road there vpp betwixt Richard Addams & John Vphams
lott^e, into Charlstowne bounds, through W^m Johnsons & Richard Dexters
land into y^e way by the South Springe, & so on the south side of Th^o

Whitamores howse into Mr Bellinghams land, into the way that goeth to the fferry; the sd way to be fower pole broad, in good ground, & six or eight where need requires. 1653.

10 September.

In answer to a petition pferred by the new church, of Boston, to take of an injuñtion, which they say is layd on them, not to call & ordayne Mr Powell to office, the Magistrates denyinge any order to be made by them absolutely to forbid the new church in Boston to call Mr Powell to office, but only to the office of pastor or teacher, for either of which two sayd offices the Court cannot but judge Mr Powell to be vnfitt, nor can they consent thereto, because they cannot be satisfied that Mr Powell ^h such abillities, learning, & qualifications as are requisite & necessary for an able ministry of the gosple, whereby he might be able rightly to devide the word of truth, & be able to convince gayne sayers; besides the vnsutablenes of these times complyinge with such vnsound tenent^l as now abound, for the subversion of an able ministry. The Court conceiues the chh may call Mr Powell to the office of a ruleinge elder, & then they may enjoy all the ordinances of Christ amongst them, saue the saccrament^l, which they are suplyed wth in Boston; & their wayting till the Lord shall send vnto them an able minister of the gosple, they hope, will not be in vayne, but may be conduceinge to the peace & comfort of themselues, & to the towne & country also, who is much concerned herein.

*The Court, being informed that the psent condition of the colledge at Cambridge calls for supply, doe order, that Cambridge rate for this yeare, now to be collected, be payd in to the steward of the colledge, for the discharge of any debt due from the country to the sd colledge, & if there be any ouplus, to be & remayne as the colledge stocke; and further, for the clearing & settling all matters in the colledge in refference to the yearly mayntenance of the psident, fellows, & necessary officers thereof, & repaying the houses, that so yearly complaynts may be pvented, & a certayne way settled for the due incuragment of all psons concerned in that worke. And the Court doth hereby appoynt Mr Increase Nowell, Cap^t Daniel Gookin, Cap^t Joh Leverett, Cap^t Edward Johnson, & Mr Edward Jackson, or any three of them, & Mr Nowell to giue notice of the time & place of meetinge, who are to be a committee to examine the state of the colledge in all respect^l as hereafter is exprest:—

1. First, to take acc^o of all the incomes of the colledge, & profit^l arising due to the officers thereof, either by gift^l, reuenues, studdy, rent^l, tuitions, commencement^l, or any other profit^l arising due from time to time, as neere as may be, from the time since first the psident vndertooke the worke.

New chh
answ. in
Boston.

[*408.]
14 September.
College com-
mittee.

1653.

14 September.

2. 2^{dy}, to examine what hath bin ꝑd & disbursed, either for buildinge, repayringe, or any otherwise ꝑd & receiued aⁿnually for mayntenance of the ꝑsident, fellowes, & other officers thereof.

3. Thirdly, to consider what hath bin yearly re^cd by the ꝑsident out of any of the incoms & ꝑfitt^l affore^sd, for his owne vse & mayntenance, as neere as may be, euer since he came to the place of ꝑræsident; also what allowance hath bin made yearly to the ffellowes & other officer^l.

4. To waygh & consider what may be fitt for an hono^rable & comfortable allowance, aⁿnually, for the ꝑsident, heretofore & for the future, & how it may be payd hereafter.

5. Fifthly, to consider what number of ffellowes may be necessary for caring on the worke in the s^d colledge, & what yearly allowance they shall haue, & how to be payd.

6. To direct some way how the necessary officers, as steward, buttler, & cooke, may be ꝑvided for, that so the schollers commons may not be so short as now they are occasioned thereby.

7. To take cognizance of all & euery matter or thinge concerninge the s^d colledge, in reference to the welfare thereof in outward thinges, & to ꝑsent a way how to regula^t & certify any thing y^t is out of order.

[*409.]

*8. Eyghtly, to examine what somes haue bin, & of late are, ꝑmised by seuerall townes & ꝑsons for the vse of the colledge, & to giue order for the collection thereof, & propose a way how such monyes may be improued for the best benefitt of that societie for the future. And this committee are hereby authorised with full power to act in all the ꝑremises, and to make [^] of what they shall so doe to the next Court of Electiō, that so it may be confirmed if they shall judge meete. Sept^r (14), 1653.

Commissioners
return.

The returne of the commissiono^{rs} from the eastward, who, vppon the commission graunted by the Gen^l Court, bearinge date the 7th of June, 1653, viz^t, Richard Bellinghā, Esq^r, Cap^t Thomas Wiggin, Daniel Denison, serg^t major gen^l, Edward Rawson, secretary, & M^r Briant Pendelton, in order to their commission, repayred to Wells, su^mond Saco & Cape Porpus to appeare before them the 4th of July, 1653.

The commissiono^{rs} aboue mentioned, by vertue of their co^mission, held & kept a Court theire, & caused the inhabitant^l of Wells, by name ꝑticularly, to be called according to their su^mons, & those whose names are herevnder wri^ten made their appearances & acknowledged themselues subject to the goū^t of the Massachuset^l, as wittnessed their hands, Joseph Emerson, Eze-kiell Knight, Joh Gooch, Joseph Boles, Jonathan Thinge, Joh Barrett, Seniō, who, after their subjection, were made freemen, & tooke the oath, after which

Jonathā Thing was made cunstable there for one whole yeā, and tooke his oath. 1653.

14 September.

While the inhabitantℓ of Wells were callinge of, one W^m Wardall, passing by & vttering contemptuous speechℓ ag^t the Court, was aprehended & securd, to answer his offence the next day.

At which time the Court mett, & the inhabitantℓ of Wells, being called, appeared, & did subject themselūℓ as followeth:—

We, whose names are herevnder writtē, inhabitantℓ of Wells, doe hereby freely acknowledge o^rselūℓ subject to the goū^t of the Massachusettℓ, as wittnes o^r hands: Henry Boad, John Wadely, Edmund Little feild, John Saunders, Joh White, Joh Bush, Robt Wadley, Frauncis Little feild, Señ, W^m Wardall, Samūll Austin, W^m Hamans, Joh Wakefeild, Thō Mills, Anthō Little feild, Joh Barrett, Juñ, Thō Little feild, Francis Littlefeild, Juñ, Nicholas Cole, W^m Cole: the Court, at y^e request of the inhabitantℓ, accepted of W^m Wardall; all which were made freemen, & tooke the oath; & further, whereas the towne of Wells hath acknowledged themselūℓ subject to the goū^t of the Massachusettℓ Bay in New Eng^t, as by their subscriptions may appeare, we, the cofⁿ of the Gen^l Court of the Massachusettℓ for the settling *of government amongst them & the rest w^{thin} the bounds of their charter northerly to the full & just extent of their line, haue thought meete & doe actually graunt —

[*480.]

That Wells shalbe a townshipp of it selfe, & alwayes shalbe a p^t of Yorkeshire, & shall enjoy p^{te}ction, æquall actℓ of favour, & justice, with the rest of the people inhabitinge on the south side of the Riuer of Piscataq, within the limitℓ of o^r jurisdiction, & enjoy the priuiledges of a towne, as others of the jurisdiction haue & doe enjoy, with all other libties & priuiledges to other inhabitantℓ in o^r jurisdiction.

2. That euery inhabitant shall haue & enjoy all their just proprieties, titles, & intrestℓ in the howses & land they doe possess, whether by graunt of the towne, possession, or of the former Generall Courtℓ. 3. That all the present inhabitantℓ of Wells shalbe ffreemen of the county, & having taken the oath of ffreemen, shall haue libtie to giue their votes for Go^vn^r, Assistantℓ, & other generall officers of the country.

4. That the s^d towne of Wells shall haue three men, approued by the County Court from yeare to yeare, to end small causes, as other of the townships in the jurisdiction hath, where no magistrate is, according to law; & for this present yeare M^r Henry Boade, M^r Thomas Whelwright, & M^r Ezekieℓ Knight are appoynted & authorized co^missiono^{rs} to end all small causes vnder forty shillingℓ, according to law; & f^further, these commis-

1653.
14 September.

sioners, or any two of them, are & shalbe empowred & invested wth full power & authoritie as a magistrate to keepe the peace, & in all ciuill cases to graunt atatchment & executions, if neede require. Any of the sd comissioners haue power to examine offendor, to committ to prison, vnles bayle be giuen, according to law, & when these or any of these shall judge needful, they shall haue power to bind offendor to the peace or good behavio^r; also, any of these haue power to administer oathes according to law; also, mariage shalbe solemnized by any of these according to law.

It is further hereby ordred & graunted, that for this p^sent yeare Mr Henry Boade, Mr Thomas Whelwright, Mr Ezekiell Knight, John Wadley, & John Gooch shall be the select men to order the prudentiall affayres of the towne of Wells.

The fore^sd commissioners tooke their respective oathes as comissioners as associates vse to doe.

Lastly, it is graunted, that the inhabitant^l of Wells shalbe, from time to time, exempted from all publicke rates, & that they shall alwayes beare their owne charges of the Court^l, &c, arising from amongst themselues. Mr Joseph Bolls was appoynted clerke of the writt^l.

[*411.]

*Mr Ezekiell Knight is appoynted to be a graund jury man for the towne of Wells for one yeare, & tooke his oath.

The case betweene Morgan Howell & Joh Baker is continued, & referred to be determined by the next County Court in Yorkeshire, & the sd Joh Baker did acknowledge himselfe bound in twenty pounds to Mr Richard Russell, Treasu^r of the Massachusett^l jurisdiction, on this condition, that he shall appeare before the next County Court in Yorkshire, to answer the sd action or complaynt of Morgan Howell.

July 6: 53.
John Baker
censured.

Seuerall articles were exhibited agaynst John Baker, for abusie & opprobrious speeches vttered by him ag^t the minister & ministry, & for vp-holding private meeting^l, & pphesying, to the hindrance & disturbance of publicke assembling, &c: some of them beinge proued ag^t him, he tendred voluntarily to desist from prophesying publickly any more: the Court proceeded to censure him to be bound to his good behaviou^r, & forbade him any more publickly to preach within this jurisdiction any more.

Joh Baker did acknowledge himselfe bound in twenty pounds to Mr Richard Russell, Treasurer of the Massathusets, on this condition, that he will be of good behavio^r betweene this & the next County Court, & make his appearance at the sd Court if he be wthin the jurisdic^t.

Wee, the comissioners of the Massachusett^l for settling of gouernment at Wells, Cape Porpos, & Saco, being informed of seuerall diffrences amongst

the inhabitant℄ of Wells, which were principally occasioned, as was p̄fessed in the Court, by those which called themselues the church there, which differences we were very desireous to compose, & therefore were willing to be informed of the p̄ceeding of those p̄sons, & the successe of their church estate, there being but three p̄sons left; & by Wardalls, with the others confession, both M^r Permott & Wardell were dismist from their church relation at their own request. After we had heard what both p̄tys could say, with the relation of M^r Boade, Edmund Littlefeild, & W^m Wardall, we were fully satisfied that their church relation was dissolved; wherevpon we advised them to desist from further disturbance of the place, by asserting their pretended church relatiō, & to apply themselues, for the future, to some other course, which might conduce more to the peace & settlement of the place, w^{ch} if they shall neglect to doe, & shall contynue their vngrounded assersion of their church relation, we p̄fesse o^rselues bound to bear wittnes ag^t them, for endangering the *disturbance of the peace & welfare of those people vnto whom we haue cause to hope, through the blessing of God, our endeouours for their good will not proue succesles, & therefore doe earnestly desire they may not be rendred fruitles by those especially p̄fesse them selues before others to be the children of peace.

The Court also. proceeded to make this protestation, w^{ch} was by the marshall publickly published.

Whereas we haue declared the right of the Massachuset℄ gouernment to the townes of Wells, Cape Porpus, & Saco, & the inhabitant℄ thereof, being sumōnd, did appeare before vs, at Wells, on this 5th day of July, 1653, & acknowledged y^mselues subject therevnto, & tooke the oath of ffreemen & fidelitie to the s^d gouernment, which, by vs, their commission^{rs}, haue ap-
poynted & settled a gouernment oⁿ them; we doe therefore hereby protest ag^t all p̄sons w^tsoeuer y^t shall challenge jurisdiction, or exercise any act℄ of authoritie ouer them, or ouer any other p̄sons to the northward, inhabiting within the limitt℄ of o^r p̄sons, which doth extend to the latitude of forty three degrees, forty three minutes, & 11 2^{ds} of northerly latitude, but what shalbe deriued from vs, the cōmissiono^{rs}, or the Generall Court of the Massachuset℄. Giuen vnder o^r hands, at Wells, in the county of Yorke, the 6th of July, & signed by the cōmission^{rs}.

It was ordred also, that the select men of the towne of Wells shall, & hereby are, impowred to appoynt a meet p̄son to keepe an ordinary there, for entertaynm^t of straungers.

1653.

14 September.

[*412.]

1653.

14 September.

Joh Saunders & Jonathan Thinge are appoynted as sergeant℥ to exercise the company there.

Att a Court, held at Wells, by the aboue mentiond commissiono^{rs}, the 5th of July, 1653.

The inhabitant℥ of Saco, beinge by name p̄ticularly called, made theire appearances, accordinge to their su^mons, & those whose names are herevnder-written acknowledged themselues subject to the gouernment of the Massachusett℥, as wittnes their hands, the 5th of July, 1653: Thomas Williams, Richard Hitchcocke, Robt Booth, Joh West, W^m Seadlocke, James Gibbons, Rich Cowman, Peter Hill, Christopher Hobbs, Thō Rogers, Ralph Tristram, Henry Waddock, Thō Reading, Phillip Hinckson, George Barlow, Thomas Hale.

The commission^{rs} judged it meete to graunt them to be ffreemen, & accordingly gaue them the ffreemens oath, which they tooke in open Court.

[*413.] Whereas the towne of Saco hath acknowledged y^mselues subject to the gofū^t of the Massachusett℥ *Bay, in New England, as by their subscriptions may appeare, we, the commission^{rs} of the Gen^l Court of the Massachusett℥, for the settleing of gouernment amongst them, & the rest within the bounds of their charter northerly, to the full & just extent of their line, haue thought meet & doe actually graunt, —

1. That Saco shalbe a townshipp by it selfe, & alwayes shall be a p̄t of Yorkeshire, & shall enjoy p̄tection, æquall act℥ of favour & justice with the rest of the people inhabiting on the south side of the Riuer of Piscataq, or any other within the limitt℥ of o^r jurisdiction, & enjoy the p^ruileges of a towne as others of the jurisdiction haue & doe enjoy, wth all other libties & priuiledges to other inhabitant℥ in o^r jurisdiction. 2. 2^{ly}. That euery inhabitant shall haue & enjoy all their just proprieties, titles, & intrest℥ in the howses & lands which they doe posses, whether by graunt from the towne, possession, or of the former Gen^l Court℥. 3. 3^{ly}. That all the p̄sent inhabitant℥ of Saco shalbe ffreemen of the country, & hauing taken the oath of ffreemen, shall haue libtie to giue their votes for the election of Goūno^r, Assistant℥, & other generall officers of the country.

4. That the s̄d towne shall haue three men approued of by the County Court, from yeare to yeare, to end small causes, as other the townshippis in the jurisdiction hath, where no magistrate is, according to law, & for this p̄sent yeare M^r Thomas Williams, Robt Bōoth, & John West are appoynted & authorized cōmissiono^{rs} to end small causes vnder forty shilling℥, according to law; & further, these cōmissiono^{rs}, or any two of y^m, are & shalbe im-

powered & invested wth full power & authoritie as a magistrate to keepe the peace, & in all ciuill cases to graunt atatchmentℓ & executionℓ. If neede require, any of the s^d commissiono^{rs} haue power to examine offendo^{rs}, to committ to prison, vnles bayle be giuen, accordinge to law; & when these or any of these shall judge needfull, they shall haue power to bind offenders to the peace, or good behavio^r; also, any of those commissiono^{rs} haue power to administer oathes, according to law; also, mariage shalbe solemnized by any of them, according to law.

1653.

14 September.

It is further ordred, for this p^sent yeare, that the fore^sd commission^{rs} shalbe the select men to order the prudentiall affayres of the towne of Saco for this p^sent yeare; & they tooke their respectiue oathℓ, as commission^{rs} or associates vsed to doe.

*Lastly. It is graunted, that the inhabitants of Saco shalbe, from time to time, exempted from all publicke rates, & that they shall alwayes beare their owne charges of the Courts, &c, arising from among themselves.

[*414.]

Ralph Tristram was appoynted constable there, & tooke his oath.

W^m Scadlocke was appoynted a graund jury man for this yeare, & tooke his oath; also, he was appoynted clearke of the writtℓ.

Richard Hitchcocke was appoynted and authorized as a sergent to exercise the souldiers at Saco.

The cōmission^{rs} being informed y^t John Smyth, of Saco, is necessarily detayned from coming to yeeld his subjection to this gouernment, & that it is his desire to subject himselfe, they do graunt, y^t on his acknowledgment of his subjection, any two of the commission^{rs}, at Saco, may, & hereby haue, libertie to giue the oath of a freemā.

The like liberty, on the like termes, is graunted to the commission^{rs} at Wells to administer the like oath to Richard Ball, Rich Moore, John Elson, Arthur Wormstall, & Edward Clarke.

The commissiono^{rs}, being informed that Saco is destitute of a good minister, which is much desired, that all due care be taken to atayne the same, &, in the meane time, y^t pea^c may be preserued, they doe declare & order, that Robt Booth shall haue liberty to exercise his guifts for the edifi-
catiō of the people there.

Seuerall of the inhabitantℓ complayning y^t Georg̃ Barlow is a disturbance to the place, the commission^{rs} thought meete to forbid the s^d Georg̃ Barlow any more publickly to preach or prophesie, vnder the pœnalty of ten pounds for euery offence.

It is ordred, that the inhabitantℓ of Wells, Saco, & Cape Porpus shall make sufficient high wayes wthin their townℓ, from howse to howse, cleere, &

1653. fitt for foot & cart, before the next Court of y^t county, vnder the pœnalty of
 { ten pounds for euery townes defect in this p̃ticuler; & y^t they lay out a
 14 September. sufficyent high way for horse & foot betweene towne & towne wthin that
 time.

Att a Court, held ā Wells, the 5th of July, 1653, by the aboue men-
 tioned cōmission^{rs}, the inhabitantℓ of Cape Porpus were called, & made their
 appearances, according to their summons, & acknowledge themselues to the
 goũment of y^e Massachusettℓ, as followes: —

We, whose names are vnder written, doe acknowledge o^rselues sub-
 ject to the gouernment of the Massachusettℓ, as wittnes o^r hands: Morgan
 Howell, Griffin Montague, Steuen Batson, Joh Cole, Christopher Sparrill,
 [*415.] *John Baker, Gregory Jeoffries, Symon Trott, Thomas Warner, W^m Reynolls,
 Peter Turbat, Ambrose Bury.

To these aboue mentioned also the commission^{rs} graunted they should
 be ffreemen, & in open Court, gaue them y^e ffreemans oath. And, ffurther,
 whereas the towne of Cape Porpus hath acknowledged themselues subject
 to the gouernment of the Massachusettℓ Bay, in New England, as by their
 subscriptions may appear, we, the cōmission^{rs} of the Generall Court of the
 Massachusettℓ, for the settleing of goũt amongst them, & the rest wthin the
 bounds of their charter northerly, to the full & just extent of their line, haue
 thought meete, & doe actually graunt, that Cape Porpus shalbe a townshipp
 by it selfe, & alwayes shalbe a p̃t of Yorkeshire, & shall enjoy æquall p̃tection,
 actℓ of favour, & justice with the rest of the people inhabiting on y^e south
 side of the Riuer Pascataq, or any others wthin y^e limittℓ of o^r jurisdiction, &
 enjoy the priuiledges of a towne, as others of the jurisdiction haue & doe
 enjoy, wth all other liberties & priuiledges graunted to other inhabitantℓ in o^r
 jurisdiction.

2. That euery inhabitant shall haue & enjoy all their just proprieties,
 titles, & intrests in the howses & lands w^{ch} they doe possess, whether by
 graunt of the towne, possessiō, or of the former Generall Courtℓ.

3. That all the inhabitantℓ of Cape Porpus shalbe freemen of the coun-
 try, & hauing taken the oath of ffreemen, shall haue libtie to giue their votes
 for the election of Gouverno^{rs}, Assistantℓ, & other generall officers of y^e
 country.

Morgan Howell, of Cape Porpus, did acknowledge himself bound in fifty
 pounds to the Treasurer of the country, on this condition, that he will prose-
 cute his action ag^t Joh Baker at the next County Court, to be held at York.

Gregory Jeoffries was chosen graund jury man there for one yeare, &
 tooke his oath accordingly.

W^m Reynolds is allowed to keep a fferry at Kennybunck, & to haue 1653.
threepence a passenger.

Griffin Montague was chosen & sworne cunstable there.

14 September.

Cap^t Nicholas Shapleigh was chosen Treasurer for the county of York, & is allowed.

Signed by Richard Belingham, Dep^t Go^v, Daniel Denison, Edward Rawson.

The Generall Court, having viewed this returne of the commission^{rs} that went to Wells, Saco, & Cape Porpus, doe approue thereof, & order, that due & hartly thanks be rendred them by this Court for their paynes & service therein, & shalbe willing & ready *to make them further satisfaction, in the graunt of some lands to each of them respectiue^{ly}, when any shalbe p^sented. [*416^a.]

The Generall Court, after their returne, & on the pvseall hereof, did order, that in case of any warr, they of the county of Yorke should beare their proportion of charge æquall to & with ourselues.

Graunted to M^r Bradstreet & M^r Symonds 500 acors of land a peece, to be layd to them when they shall p^sent a place, according to law, in refference to service done at Yorke & Kettery. M^r Bradst: graunt.

**Att a Generall Court of Election, held at Boston, the 3^d of the 3^d Moth, 1654.* 1654.

3 May.

[*416^b.]

Chosen : —

Richard Bellingham, Esq^{re}, Go^vno^r.

John Endecott, Esq^{re}, Dep^t Go^vno^r.

Assistant{ : Increase Nowell, Gen^{tl},
Symon Bradstreet, Gen^{tl},
Samuel Symonds, Gen^{tl},
William Hibbens, Gen^{tl},
Cap^t Robt Bridges, Gen^{tl},
Cap^t Thomas Wiggan, Gen^{tl},
Cap^t Daniel Gookin, Gen^{tl},
Majo^r Daniel Denison, Gen^{tl},
Majo^r Symon Willard, Gen^{tl},
Cap^t Humphrey Atherton, Gen^{tl}.

Symon Bradstreet, Gen^{tl}, }
Cap^t W^m Hawthorne, } Commissiono^{rs}.

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3 May.

M^r Richard Russell, Treasurer.M^r Edward Rawson, Secretary.Edward Gibbons, Esq^r, Major Gen^l.The names of the Dep^t: —Salem: Cap^t W^m Hathorne, M^r W^m Browne.Charlstowne: M^r Richard Russell, Cap^t Frã Norton.Dorchester: Lieu^t Roger Clapp, M^r John Wiswell.Boston: Cap^t Thõ Sauage, Cap^t Thõ Clarke.Roxbury: M^r W^m Parkes, M^r Phillip Eliott.Waterto^w: M^r Rich Browne, M^r Ephraim Child.

Lyn: James Axcy.

Cambridge: M^r Edward Collens, M^r Edward Jackson.Ipswitch: M^r George Gittens, M^r Joseph Metcalfe.Newbery: M^r Joh Saunders.

Waymouth: Thomas Dyer.

Hinghã: Cap^t Joshua Hubbard, Ensigne Jeř Howchen.

Concord: Thomas Brookes.

Dedham: Cap^t Eliazur Lusher.Salsbury: M^r Thomas Masey.Hampton: M^r Anthony Stanion.Rowley: M^r Joseph Jewett, Maximilian Jewett.Sudbury: M^r Edmund Rice.

Brauntry: Samuel Bass.

Douer: Cap^t Richard Walden.Portsmouth: Cap^t Briant Pendleton, M^r Valentine Hill.Wooburne: Cap^t Edward Johnson.Wenham: M^r Charles Gott.Hauerill: M^r John Clement^l.Maldon: M^r Joseph Hills.Kettery: Lieu^t John Wincoll.Yorke: M^r Edward Ryshworth.Wells: M^r Hugh Gunison.

M^R RICHARD RUSSELL was chosen Speaker for the Howse of Deputyes for this p^sent session.

W^m Torrey was chosen Clarke to the Howse of Deputyes for this yeare ensuinge, for which he is to haue the sum of sixteene pounds p^añum, to be payd him yearly by the Treasurer.

[*417.]

County
charges &
pfit^l.
& treasurers.

*For the better settlinge of all county charges & pfit^l, that all complaynt^l in that kind may be remoued, it is ordred by this Court & the authoritie thereof, 1. First, that the recorder or clarke of any County Court within this jurisdiction shall enter in a booke of acc^os for that county all the dues arising

within the cognizance of that County Court, by entring of actions, fines, or otherwise, & also a true acc^o of all the expenc^l of the Court, & the fees of the officers.

1654.

3 May.

2. That all magistrates & commissionn^{rs} that haue power to impose fines within the limitt^l of their respectiue countyes & townes shall giue warrent vnto the marshall of that county, or cunstable of that towne, where such magistrate, or comission^r, or delinquent shall reside, to leuie such fines as shalbe so imposed, who shall also faythfully pay in the same to that county Treasurer, & likewise that such magistrate & comissiono^r shall also giue in a true transcript of all such fines as they shall, accordinge to the power committed to them, impose vppon, to the clarke of such County Court from time to time, that so there may be a true acc^o kept of all the pfitt^l & expences arising wthin the county.

3. That the freemen of each county shall chuse a Treasurer for that county.

4. That the clarke of euery County Court, within ffoorteene days after euery Court, shall deliuer to the Treasurer of the county a true transcript, out of his booke, of all fines & dues payable to the county.

5. That all the charges of County Court^l & shire comission^{rs}, wth all other peculiar county charges, (except the twenty pounds due to the majo^r of the county, for the yeare of his publicke exercise, which is already pvided for,) shalbe pd by the county Treasurer. 6. 6th. That the county Treasurer shall once euy yeare p^sent his acc^o to the County Court, & if there be not enough in his hand to satisfy the charges affore^sd peculiar to the county, the County Court shall giue him a warrent for the levyng the areares of the county vppon the whole county, by a county rate to be leuied vpon each towne & pson, except such as are rate free, in pportion wth the country rate next before goeing, & to be gathered by the cunstable of each towne, who is hereby enjoyned to attend the same.

7. That all fines & dues any otherwise arisinge within the cognizañ of the General Court or Court^l of Assistant^l, the secretary or clarke of the Court shall in like manner returne a true transcript thereof to the auditor gen^l, to be payd into the country Treasurer.

8. That the country Treasurer shall satisfy all the charges arising within the cognizance of the Gen^l Court & Court^l of ^ that is not yet determined by any former law.

9. That euery Treasurer, whether for the country or county, *within one weeke after a receit of a transcript of any fine or pœnalty payable to his office, shall direct his warrent to the marshall of that county, or any cunstable, for the levyng thereof. [*418.]

10. That no officer, whether secretary, treasurer, recorder, marshall, or

1654. constable, neglect his duty hereby enjoyned, vppon pœnalty of makeinge good of all the dāmāge that shall come thereby.

3 May.

11. That the country Treasurer & each county Treasurer, for his paynes & service in collecting & payinge in their respectiue places, shalbe rate free both in country & country rates, & take one shilling in the pounce for all fines receiued by him, & that all & euery the Treasurers of each county shalbe chosen añually by the ffreemen of the respectiue countyes vppon the last third day in the fourth moth, from time to time, in their seūall townes wth in this iurisdiction, & that by proxie sealed vp, as is vsueall in the choyce of other officers, & that the s^d proxies so sealed vp shalbe sent by a cōmission^r chosen for that end to each shire towne the next day followinge, there to be opened before some magistrate, if dwelling there, or, in defect thereof, before the three cōmission^{rs} for the s^d towne, who shall & hereby are enjoyned to signifie to the seūall townes who is chosen.

Printing of
lawes.
Price one pen-
ny a sheet.

It is ordered by this Court, that henceforth the secritary shall, wth in ten dayes next after this p^sent session, & so from time to time, deliuer a coppie of all lawes that are to be published vnto the p^sident or printer, who shall forthwth make an impression thereof to the number of fīue, six, or seuen hundred, as the Court shall order; all which coppies the Treasurer shall take off, & pay for in wheate or otherwise to content for the number of fīue hundred, after the rate of one penny a sheete, or 8^s a hundred, for fīue hundred sheetes of a sort, for so many sheetes as the booke shall contayne; & the Treasurer shall distribute the bookes, to euery magistrate one, to euery Court one, to each towne where no magistrate dwells one, & the rest amongst the townes that beare publicke charge wth the iurisdiction, according to the number of ffreemē in each towne; & the order that engages the secritary to transcribe coppies for the townes is in that respect repealed; & it is further ordred, that the secritary be allowed ten pounds for this p^sent yeare only, in respect of w^t benefit is hereby withdrawne from him; and it is also further ordered, that M^r Samuel Symonds, Major Denison, & M^r Joseph Hills shall examine, compare, reconcile, & place together in good order all former lawes, both printed & written, & make fitt titles & tables for ready recourse to any *p^ticuler contayned in them, & to p^sent the same to the next Court of Election to be considered of, that so order may be taken for the printing of the same in one booke, whereby they may be more usefull then now they are or can be.

[*419.]

Accounts au-
dited.

There being a committee appoynted the last yeare for the auditing of the Treasurers acc^{ts}, which is not yet effected by reason the cunstable of the seūall townes haue not yet cleared their respectiue rates, it^l therefore ordred, that further time shalbe giuen for auditing the s^d account^l, vntill what

is yet remayning from the country be brought in, pvided it be done before the next session of this Court, & a due returne made of the same at their next sitting.

1654.

3 May.

Vppon observation of many & great inconveniencies by this Court taking in of petitions, which are psented from time to time, not only in the begining, but often towards the close of the Court, it is therefore ordered by this Court, that from henceforth no petition whatsoever shalbe receiued into the Generall Court after the first fower dayes of y^e Court of Election, nor after the first weeke of all other sessiō from time to time, any law or custome to the contrary notwthstandinge.

Petitions, time
for receiving.

Whereas experience hath manifested som inconveniency in the interpretation of the law, title Appeales, the 2^d printed book, pag^e (1), wherein it is expressed that all appeales shalbe accompted in the nature of a writt of error, which is vnderstood to the revoking of the whole judgm^t of the former Court, though but a pt of it only be found defectiue, & so thereby a pson & case which, in respect of the substance of it, is just & in itselfe righteous, & in the apphensions of the judges appealed to doth so appeare, yet may be cast & condemned, & the nocent ptly aquited, to the dishono^r of Gd, reproach of justice, grieuing the innocent, & encouraging wrong doers, the Court doth therfore order y^t in all cases of appeales the Court appealed vnto shall judge the case according to former evidence, & no other, certefying what is amisse therein, & what matter of fact is found to agree wth the former Court & the judgm^t, according to law; not to revoake the decree or judgment, but to abate or increase dammages, as is apphended to be just, any law, custome, vseage to the contrary notwthstandinge.

Appeales certi-
fied.

Forasmuch as dayly experience tells vs that the pceeding^l of this Court are obstructed constantly through the introduceinge of pticular cases of a private nature, the worke of this Court being more proply to attend matters of a more publiq^t concernment, this Court doth therefore order, that no Court shall transerre the cases cominge before them, prop to the cognizance of such a Court, whither they a^re civil or criminall; *but if there be difficulty in any case, the Court shall state the question, leauing out the ptyes names, & bring it to the Generall Court, where it may be resolued, & the Court or Courts that shall so state difficult cases shall suspend their judgment of the case till the Court doth meete agayne, which Court, vppon the resolution of the Generall Court, may pceede to judgment or sentence.

Cases to be
stated.

[*420.]

Forasmuch as it greatly concernes the welfare of this country that the youth thereof be educated, not only in good literature, but sound doctrine, this Court doth therfore commend it to the serious consideration & speciall

Schoole mas-
ters.

1654.

3 May.

care of the ouſeers of the colledge, & the selectmen in the seuerall townes, not to admitt or suffer any such to be contynued in the office or place of teaching, educating, or instructing of youth or child, in the colledge or schooles, that haue manifested y^mselues vnsound in the fayth, or scandalous in their liues, & not giueing due satisfaction according to the rules of Christ.

Laws ex-
played.

Whereas, in the comissions for captaynes of troopes of horse, the captayne is subjected to the commaund of the major gen^l, & other superior officers, by superior officers, this Court declares, is to be vnderstood the majors of the seuerall regiment^l in the respectiue countyes.

2. Vppon occasion of a question concerninge the power of the committee of militia in the seuerall townes, constituted the 27 of the 3^d, 1652, ī is by this Court declared, that the committee of militia in the seūall townes hath power to suppress all raysinge or gathering of souldiers, but such as shalbe by authoritie of this gouernment.

Court^l
changed.

It is ordered by this Court, that henceforth the Court dayes, at Charlstowne, appoynted to be in the 11th moth, shalbe on the 3^d day of the last weeke in the 10th moth, from time to time.

It^l ordred, that the Gouⁿr shall haue liberty to call a Gen^l Court on any speciall occasion, & the warrent^l to be dd to the marshall gen^l, who is to deliū them to the county marshalls, who are speedyly to effect it, at the countys charg.

Hampton peti-
tion.

In answer to the petition of the inhabitant^l of Hampton, the Court doth declare, though they are not willing to recall those vncomfortable differences that formerly passed betwixt this Court & M^r Whelwright, concerning matters of religion or practise, nor do they know what M^r Rutherford or M^r Wells hath charged him with, yet they judg meete to certifie, that M^r Whelwright hath long since giuen such satisfaction, both to the Court & elders generally, as that he is now, & so for many yeares hath bin, an officer in y^e

[*421.]

church at Hampton, wthin o^r jurisdiction, & y^t, wthout *offence to any, so far as we know, & as we are informed, he hath bin a vsefull & pfitable instrument of doinge much good in that church.

Prisemens
case.

The Court, having reade & duely considered of the seūall ſres & papers p^sented to them, in reference to the prisemen, doe not judge meete to put a finall issue to the case for p^sent, in regard they are in expectation of further information on the same, both from England & Barbados, & doe therfore judge, that vppon the tender of a thousand pound apeece securitie, to such as the Magistrates shall appoynt, to answer what shalbe objected ag^t them before the councell or Gen^l Court, when they shalbe therevnto required, they may

then be freed from their imprisonment; this securitie to contynue till this Court or the councell shall take further order therein.

1654.

In answer to a petition, presented by M^{rs} Stoughton, to be discharged from keeping a horse bridge ou Neponsit Riuer, the Court orders, that in regard the riuer is hard, & passable for horse & cart to pas through, that the pet^r be only injoynd to make & mayntayne a good foot bridge, with a good rayle to it, ou the sd riuer, it shall suffice, notwithstanding any former ingagm^t

3 May.
Answ. to M^r
Stoughto.

Cap^t Edward Johnson, at the request of the inhabitant^l of Wooburne, is appoynted to joyne in marriage there such as shalbe published according to law.

Capt. Johnso
to marry.

Richard Thurley, havinge built a bridge, at his owne cost, ouer Newbery Riuer, hath liberty to take 2^d for euery horse, cow, oxe, or any other great cattle, as also one halpenny a peece for euery hogg, sheep, or goat that shall pass ouer the sd bridge, as long as he shall well & sufficiencyt repayre & mayntayne the same, p^rvided that passengers shalbe free.

Answ. to Thur-
ley.

John Mauricke, preferring a pe^t for an order to make an estate good in a howse & land, bought of James Astwood, he being deceased, re^c this ans^r., that the Court, on p^ryseall of the euidences in the case, finding that howeuer the bill of sale runs in the name of James Astwood, yet, by evidence, it appeares it was only in trust, thinke meete to order & impower W^m Phillipps to cancell the deed, & that the recorder of the county shall reverse the record of it; & further, that W^m Phillipps, having bin payd for it, shall make a firme deed of sale of the howse & land mentioned to John Maurick & his heirs for euer, according to law.

Mauricks an-
swer.

The Court cannot but deeply resent that so many psons, of seuerall townes, conditions, & relations, should combine together to p^rsent such an vnjust & vnreasonable request as the reuokinge the sentence past the last Court agaynst Lieut Pike, & the restoreinge of him to his former libertie, without any petition of his owne, or least acknowledgment of his great offence, fully proued *agaynst him, which was no less then defaminge this Courte, & charginge them with breach of oath, &c., which the petitiono^{rs} call, some words let fall by occasion. The Court doth therefore order in this extraordinary case, that commissiono^{rs} be appoynted in the seuerall townes, viz^t, M^r Bradstreet for Andevour & Haverill, Cap^t Gerish & Nicholas Noyce for Newbery, M^r Winslow & M^r Bradbury for Salsbury, & Cap^t Wiggan for Hampton, who shall haue power to call the sd petition^{rs} together, or so many of them at a time as they shall thinke meete, & require a reason of their vnjust request, & how they came to be induced to subscribe the sd petition, & so to make returne to the next session, that y^e Court may consider further how to p^rcede herein.

Salsbury,
Newbery, Ha-
verill, & Ande-
vor pet. answer.
Lieut. Pike.

[*122.]

1654.

3 May.
Watertowns
answer.

There beinge a peť pferred by Christopher Graunt, of Watertowne, & other the inhabitant℄ there, as also another by the select men of the s̄d towne, referringe to the settling of differences about land, which this Court thinkes meet to reffer, to be heard & examined by a committe, & to that end doth appoynt Major Symon Willard, Mr Edward Jackson, & Thomas Danforth, who *who* hereby haue full power to settle the matters in diffrence betweene the p̄tyes concerned herein, & to make returne of the agreement to the next session of this Court.

Gunisons case.

In answer to a petition of Hugh Gunison, & the case respecting him & Capt Shapleigh, & the late Court held at Yorke, it is ordered & hereby declared, that all Hugh Gunisons goods shalbe returned to him taken away by execution or replevin at Capt Shapleighes sute, & the dammage & costs shalbe made good according to the judgment of Capt Richard Walden, & Mr Valentine Hill, & if they cannot agree, they are to choose a third man, & then to determine it; & that any pson concerned in any ciuill action issued in the s̄d Court shall haue libtie of appeale as well as if it had bin made in Court, p̄vided they giue in their reasons as the law requires, & giue six dayes sūmons to the aduerse p̄ty, & all p̄ceeding in criminall cases shall stand firme, equall to y^e act^s of all other Court℄ of judicature of like power, any exception made or to be made ag^t the s̄d Court, or the p̄ceeding℄ thereof, notwithstandinge, & that the county of York shall beare the charges of y^t Court.

Pickards an-
swer.

In answer to the peť of Hugh Smyth & John Pickard concerninge the p̄bate of the will of Thomas Elthroppe, as also in reference to another peť concerninge the case, the Court orders, that although the p̄bate of wills belong℄ to other Court℄, yet in this case the peť is graunted to the psons named in the s̄d will, p̄vided they giue securitie to this Court, that in reference to y^e power menōd in the s̄d will, that the eldest sonne *haue 28^{li}, & the three youngest children 20^{li}, a peece, there beinge so much cleare estate remayninge after the widdows 30^{li}, & all debts hitherto appearinge deducted; but if the cleare estate shall arise to more or fall short of 120^{li} cleare, the state then to be æqually to be distributed amonge the fower children.

Mills answer.

William Mills beinge a non freeman, & puting in a vote for the Goūno^r, beinge vnder a fine of 10^{li} for so docinge, vppon his request to this Court, hath halfe his s̄d fine remitted, viz^t, 5^{li}.

Pomfrett to
marry.

At the request of the towne of Dover, Lieu^t Pomfret is appoynted to joyne in mariage such as shalbe published there accordinge to law.

15 May.
Powder.

It is ordred by this Court, that Boston shalbe allowed aūually out of the cōntries store one barrell of powder, which shalbe deliuerd to such as Major Gen^l Gibbons shall appoynt to receiue it, so as they salute euery ship y^t salutes

the towne; & likewise that Charltowne euery two yeares shall haue on the same termes one barrell of powder deliuered to such as Cap^t Norton shall ap-
 poynt to receiue it, p^{ro}vided it be deliuered according to order. May 15, 1650. 1654.
 15 May.

John Gray, having served as gunner at the Castle almost a yeare, is allowed, for the time past, after the rate of 20^{li} p^{er} aⁿnum; & for the future it is left to the cap^t of the Castle to make agrement wth a gunner, so y^t it exceed not 20^{li} p^{er} aⁿnum. Grayes answer.

At the request of Major Denison, Mr Joseph Jewett, Lieu^t Remington, & Ensigne Howlett, or any two of them, are hereby empowred to lay out 600 acors of land to him or his assignes, being formerly graunted to him, adjoyninge to the westerly bounds of Rowley. Major Denisons answ.

Whereas M^r W^m Parkes was appoynted by a County Court to be administrator to the estate of James Astwood, (his wife refusinge the same,) did, by order of the s^d Court, make sale (to pay the credito^{rs}) of all the howses & lands the s^d James Astwood dyed here possessed of, now vpon his request to this Court, it is ordred, that his s^d acts herein shalbe good in law, & is hereby confirmed & allowed, which shalbe suffycieⁿ securitie to the purchaser of such howses & lands as affor^sd. Parks his power.

John Ruddock & his horse, being imployed by Cap^t Leucrett in his journey to the Manhatos, is to haue his bill of charges signed by the auditor and p^{ro}vided by the Treasurer, p^{ro}vided he make it appeare vnder the hand of Cap^t Leueret or Lieu^t Davis what is due to him.

Vpon the request of John Hull, of Newbery, & Margrett, his wife, this Court doth confirme & allow of the sale of a p^{ar}cell of land at Watertowne, somtimes in the possession of the s^d Margrett, vnto John White & his heires for euer, the evidences being burned.

*The Court having receiued seuerall informations of many gross & abusive cariages of Edward Colcord in a seeming way of fraude, which, if proued as is tendred, ought to be duely & timely wittnessed agaynst, & meet punishm^{nt} inflicted, & be^c this Court would not be wanting in the vse of all due meanes for the discouery of such vile practises, it is ordred, that the secretary shall forthwth graunt out atatchm^t ag^t the s^d Edward Colcord, in the some of fifty pounds, binding him to be responsall to the next County Court at Hampton, for such his miscariages as is wthin mentioned, & shalbe then p^{ro}ved agaynst him for that end. This Court doth hereby appoynt & impower the recorder for the County Court at Hampton, by warrent, to send for all such p^{ar}tyes as haue profered to proue the within mentioned abuses of Edward Colcord, & such other as he shalbe informed off can come in & testifie ag^t him, and that Court to make returne to the next Court of Assistant^l of [*424.]
Colcords case.

1654.

15 May.
Jacobsons
case.

what they shall find, that so justice may be administered in case that Court cannot reach to due punishment.

It being put to the question whether the barke of Cap^t Jacobsons be forfeited by o^r law for trading with the Dutch, & not giueing caution to the secretary vppon her sayling from hence, which this Court resolves in the affirmative.

Colledge
guilt.

Whereas it pleased the only wise God, the fountayne of learninge & all other o^r libties & mercyes, to direct & dispose the Gen^l Court, held at Boston, the 19th of the 8th moth, 1652, to moue the breth & neighbours of the seuerall townes in this jurisdiction to a free contribution, either in a gross som or añuall renew, as each pson contributeinge shall judge best for atayninge the ends ppounded, & for the better effectinge the same, the Gen^l Court were pleased to direct that the townes should make choyce of one meete pson to take the subscriptions of each pson wthin their respectiue townes, & that the blessed God hath so farr shined vppon that designe as that many psons from sefall townes haue subscribed for sefall good sums, these are to signifie o^r request to such townes as haue not made returne to the com^{it}tee appoynted to receiue the same, that they, or the select men of the towne, vppon sight hereof, will appoynt one fitt pson in each towne to moue the sefall inhabitant, & to receiue their p^{ar}ticular subscriptions, & to returne them to M^r Increase Nowell before the first of the sixth moth next, that so a worke so pious & pfitable be not discouraged or retarded; & for such townes as haue made returns in order therevnto will please forthwth so to state the same as that the improuement thereof may be in a capacitie to answer the occasions of the colledge, & that such psons in those townes as haue not contributed may, by some meet pson appoynted by the select men, be moued therevnto, that so the worke may be effectually caried on to Gods glory.

[*425.]

Powder.

*It is ordred by this Court, that if the sefall townes shall not, wthin one six weekes, send downe sufficient pay to the secretary for their sefall proportions of powder out of this jurisdictions pportion, now in his hands, to his content, in wheat or pease, he shall haue liberty to sell it & place it to the colonyes acc^o; & that the secretary, wth the depu^t of Boston & Charlstowne, shall pportion what each towne shall haue.

Indians an-
swer.

Vppon the pe^t of M^r Eliott, in behalfe of the Indians, liberty is graunted to the Indians at Nashop to make a towne there, the like liberty is graunted to the Indians of Ogkoouhquonkam, being 8 miles west of Sudbury, as also to the Indians of Hasnemesukoh, being about 16 miles west of Subury, pvided it doe not pjudice any former graunt, nor that they shall dispose of it wthout leaue fist had & obtayned from this Court.

W^m Wake, being vnder a fine for liuing from his wife, vppō his request to this Court, hath his fine abated to five pounds, which he is forthwth to pay.

1654.

15 May.

Wakes answ.

Barrells acc^o.

John Barrell & Richard Wayte, being sent as messengers to the Indians, shalbe allowed three shillings p diem for their services, & John Whitman shalbe allowed fower shillings a day for his paynes & vse of his horse; & that the audito^r shall take notice of it, that so it may come to an account to the rest of the colonyes.

This Court orders Thomas Robbins, who was to answer at the Gen^l Court, comitted to the marshall, to appeare at the County Court at Salem, to be tried for his entertayning of two of the prise prisoners after their escape out of Boston prison, for five dayes, so as such obstructo^{rs} of justice may not be encouraged for future times.

Robbins referd.

In answer to the pe^t of the inhabitant^l of Hauerill, the Court, on hearing of both p^tyes, doth order & appoynt Henry Short, of Newbery, Joseph Jewett, of Rowley, & John Stebens, of Andevour, as a committee to view the land, examine the Court^l graunt^l to Haverill & Salsbury, the agreement of the townes, & the necessary occasions of both p^tyes in reference to the land men^od in the petition, & to returne their apprehensions thereof to this Court.

Haverills answer.

The Court, having p^rysed the evidences & considered of the confession of Daniel Gun, a Scotsman, who was suspected to haue committed adultery wth Alce, the wife of John Cheater, of Newbery, doe not find the s^d Gun to be guilty of the s^d fact, according to law, yet judge him to be worthy of punishment, & doe therefore order him to be whipt, when he is capable of it; & because there is some hope of his cure, doe order, that Lunerius be imployd about him, & satisfyed by the Treasurer for the p^rsent, & afterwards be cast on such as this Court shall determine, & contynue where he is till the chirur^gion shall otherwise p^rvide a place for him. And the s^d Alce Cheater, not being found guilty, accordinge to law, of the s^d fact, yet in regard of her vnchast behavio^r, is adjudged to be admonished, & to stand tyed to the whipping post one hower, & be discharged, that she may repayre to her husband.

Guns case.

*In answer to the pe^t of Edward Goff, for the paym^t of one hundred pounds due to him by assignment frō the p^rsident, wth forbearance, its ordred, that the Treasurer shall treat wth the petition^r, & audite the account^l, & accordingly shall giue satisfaction for so much as shalbe found justly due to him.

[*426.]

Edw. Goffs answ.

James Vnderwood being fined 20^{li}, att Salem Court, for liuing from his wife, vppon his petition, hath his fine respited vntill testimonyes be p^rduced in

Vnderwoods answ.

1654.

15 May.
Oatis answ.

the County Court of Salem, who haue hereby power to release the fine, either in whole or in p^t, as the justice of the case shall require.

In answer to the petition of John Oatis for remittm^t of a fine imposed on him, the Court thinkes meete to graunt his request, except thirty shilling^l, twenty whereof to belonge to the country, & ten to the constable, so as the petition^r, on a Lords day, after exercise, or on some publicke assembling of the congregation, make like full acknowledgment of his miscariage, as he hath in this petition, by word or writing, or else shall pay, within one six weekes, five pounds, as a fine, to the country.

Dorcas Halls
answer.

In answer to the petition of Dorcas Hall for a divorce from her husband, John Hall, it being fully proued that he hath voluntarily wthdrawne himselfe from his wife, & continues in his obstinate refusall to cohabite wth her, & hath broken the bands of wedlocke, as doth appeare by his owne confession, as also attested by M^r W^m Coddington, M^r W^m Jeoffrys, & the oath of Lawrence Turner, the Court orders, that the s^d Dorcas shalbe, & hereby is, declared that she is legally divorced from the s^d John Hall, & is at her liberty to marry wth any other man.

Pages answ.

In answer to the petition of W^m Page, of Watertowne, for assurance of land, it is ordered, that a deed of sale be made, accordinge to law, of the land exprest in the p^t, & that George Parkhurst & Susana, his wife, be injoynd to signe & acknowledge the same, & that the s^d deede be recorded, which done, shalbe a suffycient assurance to y^e peto^r.

Lawrence Smyth, complayninge of some injuryes offred him in respect of his apprentice taken from him, hath his libtye to bring his case to the County Court or Court of Assistant^l, if he please.

M^r Symonds
land, &c.

[*427.]

Whereas this Court hath graunted vnto M^r Samuel Symonds five hundred acors of land the last yeare, & 300 formly, with pviso to set vpp a sawmill within seven yeares, as by the records of this Court doth appeare, *power is hereby giuen to John Gage, Robt Lord, John Dane, & M^r Daniel Epps, or any two of them, to lay out y^e same in some free place beyond the Riuer of Merimacke, pvided no p^t thereof shalbe wthin five miles of the meeting howse of Exeter. And if the s^d M^r Symonds shall desire rather to haue this land layd out by or neere Major Denisons land, which this Court hath ordred to be layd out by Ensigne Howlet, M^r Joseph Jewett, & Lieu^t Remington, power is hereby giuen to the s^d comissiono^{rs} to lay out his full quantytie there, or so much of it as he thinkes meete; & this Court takes offe the pviso concerning y^e sawmill.

In answer to a petition from the inhabitant^l of Rowley concerninge the bounds of their towne, its ordred, that the petition^{rs}, as also the inhabitant^l

of Newbery, should attend the Court order concerning pambulation, wherein if the ptyes concerned agree not, then the ptyes greived may releiue themselves at a County Court.

1654.

15 May.

Anthony Fisher, being vnder a fine for neglecting to bring in the votes of their freemen, hath his fine abated to 20^s.

Fishers fine,
&c.

In answer to the peñ of the inhabitantℓ of Lancaster, they haue the libties of a township graunted to them, that the lawes allow, vntill this Gen^l Court take further order therein; and that Lieu^t Goodenow & Tho^s Danforth lay out the bounds of the s^d towne, according to y^e Courtℓ graunt, at the townes charge, & make returne thereof at the next Court of Election.

Lancasters lib-
ertie.

In answer to the peñ of Mahalaliell Muninges, attorney for his father, Edmund Muningℓ, the Court orders, that a wharfe of George Halswells, with all the rightℓ & priuiledges therevnto belonging, shalbe deliuered into the hands of the s^d Mahalaliell Muningℓ by the marshall, vntill the whole execution of thirty seven pounds odd money be fully satisfied out of the pfittℓ of the s^d wharfe, together wth all damages & forbearance, according to law, or the s^d Halswell shall take some other way for the satisfaction of the debt.

Munnings
answ.

Vppon complaynt made to this Court of some loss that was vppon corne collected for publicke service, but afterward was returned to the owners, the Court ordred, that each towne should beare their owne loss, & the select men in euery towne are to act herein, so that the pportion of loss & charge may be equally borne by p^ticular psons.

Losses of con-
stable.

*In answer to the complaynt of Ro^{bt} Lord, marshall of Ipswich, p^sented to this Court in reference to the levying of an execution, graunted at Ipswich Court, to M^r Joh Giffard, ag^t the estate of M^r Joh Becks & Company, of the iron works, it being put to the question, whether the s^d Lord did pceed legally in levyinge the psonall estate of M^r Henry Webb, of Boston, by vertue of his execution, & voted by the Deputies in the affirmatiue, but the Magists not consentinge, the whole Court, voteing together, did determine & resolute as affores^d.

[*128.]

Contradicen-
tes: y^e Gour-
nor, M^r Now-
ell, M^r Hib-
bens, Capt.
Bridges, Capt.
Wiggan, Capt.
Gookin, Capt.
Athertō, M^r
Russell, Capt.
Savage, Roger
Clapp, Tho.
Macey, Rich.
Browne, M^r
Rishworth, M^r
Child, W^m
Parkes, Capt.
Clark.

The Court, vppon a hearinge of the case betweene Ro^{bt} Lord, marshall, & M^r Henry Webb, vppon the ques^t, whether M^r Webb be such an owner or vndertaker of the iron workes as makes his pson or psonall estate lyable to the iudgm^t of Ipswich Court ag^t the s^d owners or vndertakers, the Court resolved on the negatiue.

The commission of M^r Pinchon, M^r Holiocke, and M^r Chapin beinge expired, & no other substituted in their places, it is therefore hereby ordered, that the s^d M^r Joh Pinchon, M^r Elizur Holiocke, & M^r Samuel Chapin shalbe, & hereby are, impowred as co^missiono^{rs} to act at Springfeild, according to the

25 June.
Springfeild
co^mission^{rs}.

1654.

25 June.

comission formerly graunted by this Court to Mr Henry Smyth, in May, 1651, they takeinge the oath appoynted formerly by the Court in the yeare 1652, at some publicke meetinge of (at least) ten of their inhabitant^e of Springfeild, afforesd; and this their comission to contynue till the Court take further order therein. Dated 25: 4, 1654.

Mr Dunsters
resignation.

In answer to a writinge, p^rsented to this Court by Mr Henry Dunster, wherein, amongst other thinges therein containd, he is pleased to make a resignation of his place, as p^rsident, this Court doth order, that it shalbe left to the care & discretion of the ouerseers of the colledge to make provision, in case he psist in his resolution more then one moneth, (& informe the ouerseers,) for some meete pson to carry an end that worke for the p^rsent, & also to act in whatever necessitie shall call for, vntill the next session of this Court, when we shalbe better enabled to settle what shalbe needfull in all respects in reference to the colledge, & y^t the sd ouerseers wilbe pleased to make returne to this Court at that time of what they shall doe herein.

[* 429^a.]

2 November.

*Boston, the (ii), 9, 1654.

Court ad-
journd.

The Deputies assembled in Generall Court to attend the occasions of the country, & goeing to the place where o^r hono^rd Magistrates sate, there to treat off & conclude such thinges as we judged of high concernment to the country, both in reference to the gen^l & some psons in p^rticular, find that so many of o^r hono^rd magists haue taken libertie to depart from the Court that the remaynder left are not a sufficyent number to keepe a Court accordinge to o^r owne lawes, which is greatly to o^r greife, that those whom both we & o^r freemen doe expect should be o^r leaders, & haue most naturall care for the publicke good, should so farre neglect their trust; we doe therefore declare o^r selues to be no pcurers hereof, but, to o^r greife, are forced thus to declare o^r selues, which we desire may ly vppon record for the clearing of o^r selues, & doe therefore desire that this Court may be adjourned vntill the last third day in the last moth next.

Dep^{tes} dyett.

Whereas it is judged most comly, convenient, & conduceable to the dispatch of publicke service, that the Deputyes of y^e Gen^l Court should dyett together, especially at dynner, it is therfore ordred, that the Deputyes of the Gen^l Court, the next ensuing yeare, viz^t, 1655, shall all be pvided for at the Shipp Tauerne, at Boston, in respect of dynner, & y^t they shall all accordingly dyne together, & that Lieut Phillips, the keeper of the sd taverne, shalbe payd for y^e same by the Treasurer for the tyme being, by discounting the same in the custome of wyne payable by the sd Lieut Phillips, & that

the Treasurer shalbe repayd by the seſſall townes, according to the charges of their respectiue deputies, with their next country rate, & in the same kind of payment ; and it is further ordered, for the pvention of vnsettlednes & other distractions for the future, that the Deputyes of the Gen^l Court shall yearly, & eſy yeare, from tyme to tyme, before the disolueing of the last session thereof, accordingly take some effectuall course in this case in such sort as to themselues shall seeme best, that the Deput^s of the next succeeding Court may not be occasioned to seeke their own settlem^t in this case, & so retard publick service ; & its further ordred, that the Deputyes shall giue notice hereof to the Deput^s that shalbe chosen for the succeeding yeare from time to time. This is past as an order respecting the Howse of Dep^r.

1654.

2 November

W^M TORREY, Cleriĉ.

*An agreement made with Lieu^t Phillips by the Deput^s now assembled in Gen^l Court, that the Dep^{ties} of the next Court of Election shall sitt in the new court chamber, & be dyeted wth breakfast, dynner, & supper, wth wine, & beere betweene meales, wth fire & beds, at the rate of three shillings p day, so many as take all their dyet as afforeſd at the ſd howse, but such as only dyne, & not supp, to pay eyghteen pence for their dynners with wine, & beere betwixt meales ; but by wine is intended a cupp each man at dynner & supp, & no more. 12: 9, 1654.

[*429^b.]

12 November.

Lieu^t Phillips did accept of this, & agreed thereto, wth this pviso, that only such as had all their dyet there should haue beere betweene meales, & also that vppon extraordinary occasion he might haue the vse of the great court chamber.

Subscribed by W^M PHILLIPS.

**Att a Generall Court of Election, held att Boston, the two and twentyeth of August, 1654.*

[*430.]

22 August.

IT is ordred by this Court & authoritie thereof, that no inhabitant of this jurisdiction or stranger shall from henceforth send, carry, or transport out of this jurisdiction, by sea or land, directly or indirectly, any of the money that hath bin or shalbe coyned within this jurisdiction, except twenty shilling[℥] for necessary expences, on penalty of confiscation, not only of such money so coyned, but also all the visible estate of him that shall any way be found

Money not exported.

1654.

22 August.

sending or exportinge any of the coyne afforeſd, one third whereof ſhalbe to the vse of the informer & officer, the other two thirds to the country ; & that this law may be duely observed & executed, Peter Oliuer & John Barrell for Boston, Jacob Greene for Charlstowne, George Williams & Samuel Archer for Salem, Robt Lord for Ipswich, Henry Rice for Sudbury, Henry Sherburne for Pascataque, Hercules Hunkins for the Ile of Shoales, are hereby appoynted & authorized as searchers to examine & search all psons, vessels, packℓ, trunks, chests, boxes, or the like, that ſhalbe transporting out of this jurisdiction, & finding any money, shall seize the same, & forthwth informe the next magistrate thereof, who shall issue out his warrents for the p^sent seizure of the whole visible estate of the pty so transporting contrary to this law, for the vse of the common wealth, & for the ptyes searching & informinge, as is aboue exprest ; & tis further declared, that all such masters, marino^{rs}, or other psons that ſhalbe found to be privie or consentinge to the exportinge of any of the coyne afforeſd out of this jurisdiction, he or they shall for every such offence forfeit the sume of twenty pounds apeece, to be payd to the vses afforeſd ; & the seuerall searchers shall take the oath appoynted for searchers in the printed booke, only, in stead of halfe, a third pt to be incerted, and in stead of certifying the auditor gen^l to incert, to certifie the next magistrate.

Payments in
kind.

For explanation of the order concerning paymentℓ, it is by this Court ordred & declared, that all contractℓ or engagementℓ for mony, come, chattles, or ffish ſhalbe satisfied in kind accordinge to couenant, or in default of the very kind contracted for, in one of the ſd kinds ; provided, that in such cases, wherein payment in kind is not made according to covenant, all just damāges ſhalbe satisfied, together with the debt for not payinge in kind accordinge to bargan ; & in no case shall any creditor be forced to take any other comōdities for satisfaction of his debt, vnles it be accordinge to his contract ; but it ſhalbe lawfull for such credito^r to imprison the p^tie till he make satisfaction accordinge to covenant, or to take vppon execution such goods, howses, or lands, as ſhalbe to his satisfaction, any law, custome, or vseage to the contrary notwthstandinge.

[*431.]
Free trade.

*It is ordred by this Court, that the law made in May, 1653, phibitinge trade with the Dutch, be henceforth repealed.

Ministers
mayntenance.

Forasmuch as it highly tends to the aduancement of the gospell that the ministry thereof be comfortably mayntayned, & it beinge the dutie of the ciuill power to vse all lawfull meanes for the atayninge of that end, and that henceforth there may be established a settled & encouraginge maintenance of ministers in all townes & congregation wthin this jurisdiction, this Court doth

order that the County Court in euery shire shall (vppon information giuen them of any defect of any congregation or townshipp within the shire) order & appoynt what mayntenance shalbe allowed to the ministers of that place, and shall issue out warrents to the select men to asseesse, & the constable of the sd towne to collect, the same, & distreine the sd assessment vppon such as shall refuse to pay ; and it is hereby declared to be o^r intentions that an honourable allowance be made to the ministry respecting the abilitie of the ^ ; & if the townes shall find themselues burthened by the assessment of the County Court, they may complayne to this Court, which shall at all times be ready to giue just releife to all men.

1654.

22 August.
Contradictent :
Mr Jos. Hills,
Capt. Clark,
Mr Macey,
Mr Stanion.

Forasmuch as it appeares by too much experience that diuers children & servantℓ doe behaue themselues too disrespectiuelly, disobediently, & disorderly towards their parentℓ, masters, & gouerno^{rs}, to the disturbance of families, & discouragment of such parents & goũno^{rs}, for the ready pvention whereof it is ordered by this Court & the authoritie thereof, that it shall henceforth be in the power of any one magistrate, by warrent directed to the constable of that towne where such offender dwells, vppon complaynt, to call before him any such offender, & vppon conviction of such misdemeaners, to sentence him or them to endure such corporall punishment by whiping, or otherwise, as in his judgment the meritt of the fact shall deserue, not exceeding ten stripes for one offence, or bind the offender to appeare at the next Court of that county ; & further, it is also ordred, that the commissiono^{rs} for the towne of Boston, & the three commissiono^{rs} for townes where no magistrate dwells, shall haue the like power, pvided the pson or psons so sentenced shall haue libertie to make their legall appeale to the next County Court, if they desire it, in any of these cases.

Youths to be
punished for
rude behaviour.

It is ordred, that no pson within this jurisdiction shall, directly or indirectly, after the first of March next, import any malt into this jurisdiction from any pt of Europe, or shall buy or receiue any brought in by any forreiner from the pts afforeſd, vnder the pœnalty of one shilling for euery bushell that shalbe so imported, bought, or receiued, the one halfe to the in-former, the other halfe to the common treasury.

Prohibition of
mault being
imported.

*Whereas this country is at this time in great streyghts in respect of clothing, & the most liklyest way tendinge to supply in that respect is the raysing & keepinge of sheep within o^r jurisdiction, it is therfore ordred & enacted by this Court & the authoritie thereof, that, after the publication hereof, no pson or psons whatsoever shall transport any ewes or ewe lambs out of this jurisdiction to any forraigne port or place, vppon the penaltie of the forfeiture of fiue pounds for euery ewe or ewe lambe so transported, the

[*432.]

No sheepe ex-
ported.

1654.

22 August.

one fourth p̄t to the informer, the other three parts to the country ; p̄vided, this order shall not hinder the sellinge of such sheepe to any of the other colonyes in confœderatiō with vs, they, vppon due notice giuen by oʳ cōmissionoʳs, makinge a law to this purpose, to restrayne the transportinge of sheepe out of their respectiue jurisdictions ; and it is further ordred by the authoritie afforesd, that no ram or weather lambs shall henceforth be kild by any butcher, or other p̄son, except by the keepers or masters of sheepe for their owne p̄ticuler occasions, vnles they shalbe tw years old, on penalty of twenty shilling℥ a lamb, the one halfe to the informer, the other halfe to the country, till the country shall take further order herein.

Reeues & Muggleton.

It is ordred, that all & euery the inhabitant℥ of this jurisdiction that haue any of the bookes in their custody that haue lately bin brought out of England vnder the names of John Reeues & Lodowick Muggleton, who p̄tend themselvs to be the two last wittnesses & prophet℥ of Jesus Christ, which are full of blasphemies, & shall not bring or send in all such bookes now in their custody, to the next magist̄r, shall forfeit the sume of ten pounds for euery such booke that shalbe found, or knowne to be in the hands of any inhabitant after one moneths publication hereof, the one halfe to the informer, the other halfe to the country ; & as many of the sd bookes as can or may be found to be *to be* burned by the executionoʳ, at Boston.

Books to be burnt.

[*433.]

17 October.

**Att a 4th Session of the Gen^l Courte, began the seuenteenth Day of October, Año 1654.*

Cunstable returne.

THIS Court findinge great inconuenience in the vncertaynty of their mem-ber℥, & the number thereof, doe therefore order, that from henceforth the cunstable of each towne shall returne the name of the p̄son or p̄son, chosen by the ffreemen to be deputies for the Gen^l Court, & the time for which they are chosen, whether for the first session or the whole yeare ; & euery cunstable y^t shall fayle in this his duty shall forfeit the sume of twentie shilling℥, to be payd to the common treasury ; & all p̄sons so chosen, as afforesd, acceptinge thereof, which shalbe absent from the howse dureing the time of their sittinge, without just grounds, so judged by the howse, shall pay twenty shilling℥ a day for euery such default ; & the seuerall returnes of each cunstable shalbe kept on file by the clarke of the Dep̄t, till the Court be ended.

Selling of judgment.

Whereas there is a great abuse in sellinge of judgment℥ & executions, so alteringe the p̄prietie of them before they be satisfied, or goods seized, wherby

great inconveniencies may arise, as experience hath pꝛoved, this Court doth therefore order, that after the end of this session no pson shall sell, alienate, or assigne any judgment or execution whatsoeꝛ; & if any shall pꝛsume to act contrary to this order, his sale, assignment, or alienation shalbe voyd in law; & in case the pꝛtie dy after the judgment, before he hath taken out an execution, or before satisfaction be receiued, his executor or administrator shall take out or renew the execution, as the testator himselfe might haue done.

1654.

17 October

For as much as, according to the pꝛesent forme of gouernment in this jurisdiction, the saftie of the commonwealth, the right administration of justice, the pꝛeservation of the peace, & puritie of the churches of Christ therein, vnder God, doth much depend vppon the pietie, wisdome, & soundnes of the Gen^{ll} Court, not only Magistrates, but Deputies, it is therefore ordred by this Court & authoritie thereof, that no man, although a ffreeman, shalbe accepted as a deputie of the Gen^{ll} Court, that is vnsound in judgment concerninge the mayne poynts of Xstian religion as they haue bin held forth & acknowledged by the generallitie of the Ptestant orthodox writers, or that is scandalous in his conversation, or that is vnfaithfull to this gouernment. & it is further ordered, that it shall not be lawfull for any ffreeman to make choyce of any such pson, as afforeſd, that is knowne to himself to be vnder such offence or offences before specified, vpō peine or penaltie of fve pounds, & that the case of such psons to be tryed by the whole Gen^{ll} Court.

Dep^t to be orthodox.

It is ordred by this Court & authoritie thereof, that henceforth there shalbe alowed to each of oꝝ honord magistrates which are already, or which *hereafter shalbe, chosen, & attend the service of the country, the summ of fve & thirty pounds p annū, they bearinge their charges in such Courts, as in the order made in the yeare 1653 is in that case pvided, & likewise beare equall pportion of publicke charges with other men in all towne & country rates. And ffurther, it is ordered, that in regard the easterne parts, which beare no charge with vs, haue some benefitt by the helpe of some of oꝝ honord magistrates, that they shalbe lyable to pay in yearly to the country Treasurer the sume of seuteene pounds & ten shillingℓ, towards the charges afforeſd.

Magist^s allowance.

[*434.]

Forasmuch as the three commissionoꝝ for small causes, in the seuerall townes within this jurisdiction, haue great power of iudicature, as by seuerall former orders appearℓ, the exercise whereof being of great concernment both to townes & country, this Court doth therefore order, & be it hereby enacted, that henceforth there shalbe none admitted to be a commissionoꝝ for any towne within this jurisdiction, but such whose conversation are inoffensiue, & whose

Commissionoꝝ inoffensiue.

1654. fidellitie to the country is sufficiently knowne, & approued off by the County Court of that shire.

17 October.
Disorders punishable, particular in houses of worship.

Whereas experience giues vs cause to complayne of much disorder in time of publicke ordinances, in the meetinge howses in seuerall congregations in this jurisdiction, through the vnreuerent cariage of diuers young psons & others, notwthstanding the best meanes that haue bin hitherto vsed in the s^d assemblys for the refformation thereof, it is therfore ordred by this Court & the authoritie thereof, that it shalbe in the libtie of the officers of the congregation, & the select men of such townes, together, to nominate some one or two meete psons to reforme all such disordered psons as shall offend in any misdemeanor, either in the congregation or elsewhere, neere about the meeting howse, either by serious reproofe, mor private or more publicke, or other the like warninge & meete corection, if the magistrate or commissiono^{rs} of that towne judge meete. And we are not doubtfull, but the reuerend elders of the seuerall congregations, accordinge to their wisdome, will so order the time of their publick exercise, that none shalbe ordinarily occasioned to breake off from the congregation before the full conclusion of publicke exercise. This order to be published in 14 dayes.

Pvision for the p'sident.

Whereas we cannot but acknowledge the goodnes of God towards his people in this wildernes, in raysing vp schooles of learninge, & especially the colledge from whence there hath sprung many instrument^l both in chh & comonwealthe, both to this & other places, & whereas at p'sent the worke of the colt hath bin sefall wayes obstructed, & seemes yet also at p'sent, for want of comfortable mayntenance, *ffor the incouragment of a president, this Court, takeinge the same into serious considration, & finding that though many ppositiōs haue bin *haue bin* made for a voluntary contribution, yet nothing hath bin hitherto obtayned from seuerall psons & townes, althō some haue done very liberally & freely, & fearing lest we should shew o'selues vngrat-full to God, or vnfaythfull to posteritie, if so good a seminary of knowledge & virtue should fall to the ground through any neglect of o^{rs}, it is therefore ordered by this Court & the authoritie thereof, that besides the pfitt^l of the ferry, formerly graunted to the colt, which shalbe contynued, that there shalbe yearly leuyed, by addition to the country rate, an hundred pounds, to be payd by the Treasurer of the country to the colt treasurer, for the behoofe & mayntenance of the p'sident & fellowes, to be distributed betweene them accordinge to the determination of the ouerseers of the colledge; & this to continue dureing the pleasure of this Court. And it is hereby ordered, that no man shall stand ingaged to pay his voluntary contribution that he hath vnderwritt, by vertue of this Courts pposition, & that such psons as haue already done

[*435.]
Colledge pvision.

voluntarily shalbe considered for the same in the country rate ; such a ppor-
tiō as this addition of one hundred pounds doe add to the rate, to be allowed
by the cunstable to each pson, & by the Treasurer to the cunstable.

1654.

17 October.

Forasmuch as notwithstanding the great care this Court hath had, & the Drunknes.
lawes made to suppress that swineish sin of drunkennes, & yet psons addicted to
that vice finde out wayes to deceiue the lawes pvided in that case, for the better
preventinge thereof, it is ordered by this Court & the authoritie thereof, that
none licenced to sell strong waters, nor any private howsekeeper, shall pmitt
any pson or psons to sit drinking or tipplinge strong waters, wine, or strong
beere in their howses ; & if any such seller of strong waters or private howse-
keeper shalbe legally convict before any County Court, any one magistrate, or
Comission^{rs} Court, such pson shall for the first offence be fined twenty shil-
lingℓ ; & if the pty so convict be not able to pay his fine, he shalbe sett in the
stocks, where he shall contynue one whole houre ; and if any such seller of
stronge waters shalbe convict as afforesd of a second offence of the same nature,
he shall forfeit his licence, & shall also pay as a fine twenty shillings to the com-
monwealth ; & if any private howskeeper shall be convict as afforesd of a second
offence ag^t this law, he shall pay a fine of five pounds ; & for the third offence,
such pson or psons, being so convict, shalbe bound to their good behavio^r in
twenty pounds bond, wth two sufficient sureties, or be committed to prison.

*It is ordered by this Court, that all sortes of corne shalbe payd in the [*436.]
country rate at these prises following, viz^t: wheat & barly at five shillingℓ p Prises of corne,
bushell, rye & pease at fower shillingℓ p bushell, & all Indian corne that is or paid in for
shall be brought in to the Treasurer, or be payd by his order, before the tenth rates.
of March next, shalbe accompted but at two shillings eyght pence p bushell,
& what shalbe payd after y^t time shalbe accepted at 3^s, & what payments
soeuer are made besides corne to the country rate shall henceforth be apprised
according to law as ready money, pvided it be prised where tis paid.

Major Willard, comāunder in cheife for the Vnited Colonyes in the late ex- Disbanding
pedition ag^t Ninigreet, being returned, & having discharged the forces committed forces.
to him from the colonyes, this Court doth order, that Cap^t Davis shall dis-
band his troope of horse rayed by this colonye ; also, that the major gen^l dis-
charge the military watches & the committees of militia in the respectiue
townes to release the souldiers vnder presse & warrents giuen out to these ends
& purposes.

The new chh in Boston, pferring a petition in reference to the ordination New ch^h ans^w.
of M^r Powell to be a teaching officer amongst them, are referd to the last
answer of this Court as an answer to their petition.

This Court, taking into further considera^{co} the case of the forementioned

1654.

17 October.

petitioners, & being sensible of the vncomfortablenes of their p̄sent condition for want of a teaching officer amongst them, qualified according to the wholesome lawes established amongst vs, & being very willing to afford the best help we can in this case, doe therefore p̄pound the Reſend Mr Reyner vnto the ſd chh, to be by themſelues treated withall, as also made choyce off & called to office in case of agreement between them.

Brownes
graunt.

There is graunted to Mr Edmund Browne, his heires & assignes, foreuer, two small p̄cells of meddow, not exceeding twenty acors, lying on the south side of Sudbury bounds, on the north side of the riuier.

Clarke of
Dep^s recom.

Whereas the clarke of the Howse of Deputies for future time is to beare his owne charges for dyet & lodging, this Court doth therfore order, that from henceforth there shalbe allowed him for his salery, dyet, & lodging, the sum of sixteene pounds p̄ añum, to be payd him yearly by the Treasurer, he giuing in a just acc^o to the auditor gen^l of all his receits for petitions, which he is to take in p̄t of his afforeſd allowance, & this to be in full for w^euer hath bin heretofore p̄mised him by this Court, not only for entring the seuerall orders & acts of this Court, but also for transcribing fres to or frō forraigne places, as also to p̄fect the p̄sent booke wth all the orders of the former yeares since it began.

[*487.]
Springfeilds
returne.

*We whose names are subscribed, being appoynted to deuide the lands at Naotucke into two plantacons, haue accordingly graunted to them that now first appeared to remoue thither to plant themſelues on the west side of the Riuier Conectecott, as they desired, & haue layd out their lands, viz^t, from the little meddow aboue their plantatiō, which meddow is called Capawonke or Mattaomett, downe to the head of the ffalls which are below them, reserving the lands on the east side of the ſd riuier for an other plantatiō.

Yo^r humble servants,

JOH: PINCHON,
ELIZUR HOLYOKE,
SAMUELL CHAPIN.

This returne was approued of by the Court.

Munings al-
lowance.

It is ordred by this Court, that Georg Munings be allowed ten shilling℥ a weeke for keeping of Daniel Gunn, & he to acc^o wth the auditor, who shall signe him a bill for payment of it to the Treasurer out of the next country leuy.

Vintnors peti-
tion.

Lieu^t Hudson & Euan Thomas hauing bin fined for selling beere aboue two pence the quart, & also fforfeited bonds for appearance at the Court of

Assistance to answer the same, this Court, vpon their peť, thinkes meet to remitt their bonds, but se no cause to take off their ffines.

1654.

It is ordred by this Court, that Capť Harding, Leiuť Morice, Henry Cowes, Francis Bowers, Richard Marjoram be releast of their bonds to this Court for their contynuanee in this country & sequestration of their estates.

17 October.
Prismsens liber-
tie.

In answer to a peť p̄sented from the inhabitantℓ of Saco, Cape Porpus, & Wells, in reference to the erecting of a p̄son & other charges there, it is ordred, for mutuall peace & good of the sd townes, that the seuerall townes lyable to this charge about the prison shall for each towne choose one man to se that, on the bringing in of an acc^o of the estates of each towne according therevnto, a just p̄portion may be leyed on each towne, to which the deputies for those p̄tℓ doe concurre, & doe p̄sent these p̄sons vnder written for y^t worke: for Kettery, Richard Nacy; for Caṑ Porpus, Griffin Montague; for Saco, Roťt Booth; for Yorke, Abram Prebble; for Wells, Jonathan Thinge, — who are hereby impowred to attend what is just & equall herein, tending to the effecting thereof, & that they shall also take an acc^o of the late Treasurer about the rate of the two late Courtℓ, and rectefie the same, charging to each towne their due p̄portion, according to the custome of the country rates.

Saco's, &c,
answer.

In answer to the petition of M^r Roťt Jordan, in reference to a case depending betweene Joh Ridgway & the sd Jordan, it is ordred, that the case mentioned in his petition be referred to a due triall at the next County Court at Yorke, beč this gournment hath not yett bin settled amongst them.

Jordans answ.

The returne of M^r Jonas Clarke & M^r Samuel Andrews, concerning the runge of the northermost lyne of o^r pattent on the seasid, according to y^e order of the Generall Court. October 18.

18 October.
North lyne.

*M^r Jonas Clarke & M^r Samuell Andrewes, both well skild in the mathe-
matics, having had the coṃaund of ships uppō seuerall voyges, being ap-
pynted to take an observation at the northerly bounds of o^r pattent, vpon the
sea coaste, made this returne, as followes: Our observation, taken the 13th day
of October, the place of o^r last observation, the altitude of the sun was, ac-
cording to observation & o^r best judgm^t, 34^d, 34^{min}; the declination of the
sun, according to calculation in England, 11^d, 39^{min}; the diffrence of longi-
tude betwixt this place & England, according to o^r best judgm^t, is 63^d, which
in time makes foure howres & one fifth p̄t of an howre, which adds to o^r
declination 3^{min} & 40 seconds; all which altitude, declination, & meridionall
diffrence, being added together, makes 46^d, 16^{min}, & 10^{sec}, which, being sub-
stracted from 90^d, gaue vs to be then in north latitude 43^d, 43 min, & 20

[*438.]

1654.

18 October.

seē, which was 8 seconds to the northward of o^r latitude giuen, which we meaſed back agayne vppon a south lyne, & there fell in a very playne place, where were but few trees, but we marked four or fiue trees, one of them marked wth MB; & at the sea side where the line doth extend there lyes a grayish rock at highwater marke, cleft in the middle; else, the shore being sand, wthout stones, the line runs off the *the* northermost poynt of an iland, as we judge, not aboue two or three rod aboue the high water marke. The iland is cald the Vpper Clapboard Iland; about a quarter of a mile from the mayne in Gasco Bay, about four or fiue miles to the northward of M^r Makworths howse. To which returne the pties aboueſd subscribed their hands; & M^r Clarke being absent, M^r Samuel Andrewes, vppon oath, testified to the truth hereof before the Magistrates in Gen^l Court, as followē: You swere by the liuing God, that the returne you made vnder yo^r hand of the observation you made on the 13th of October on the northerly bounds of o^r pattent is true according to the rules of art & yo^r best judgm^t. Taken vppō

19 October.

oath, 19th October, 1654.

Castle.

Whereas it did appeare, vppon good information to the Gen^l Court in the yeare 1651, that the cap^t of the Castle, at his owne charge, had purchast for the service of the Castle six murtherers, two boates, & a drum, as also had repayred some cariages, & more was to be done in respect of huttē, to the value of 20^{li} or thereaboutē, in consideration whereof the cap^t of the Castle was to haue allowed him 30^{li} p^a aⁿnum, for which he was to keepe the thinges before mentioned in good repayre at his owne prop costs & charges, — now, this Court thinks meete, that the surveyo^r gen^l, M^r Joh Saunders, & M^r Joseph Metcalfe be intreated forthwth to goe *downe to the Castle, & take a survey of those thinges, to se y^t they be in good repayre, according to engagment, & to make returne of what they find to this Court.

[*439.]

The returne of the com^{it}tee is ā ffollowes: In the first place, we find that the hutts the cap^t built are in good repayre. 2^{ly}. That the cariages that were renewd by the cap^t are now good. 3^{ly}. We saw fower of the six murtherers; the other two were at lowatermark, which his men affirmed were serviceable, & if that satisfie not, he will bring them to Boston, if required therevnto. 4th. One of the boates is lost, the other is good. 5^{ly}. The drum is spoyled. Concerning the cap^t, gunners, & garisons allowance, se the orders made in the yeares 1645, 1648, & in the yeare 1651.

Vppon the examination of the accompts of the cap^t of the Castle for all reconinges for sallery & otherwise, vnto the 29th of the 7th moth last, 1654, we find to remayne due to him the sum of 193^{li} 4^s, which sum shalbe by bill

presented to the auditor gen^l, & by him signed, that so the Treasurer may make speedy payment out of the country rate; & whereas it appears that there is a boat lost & a drum spoiled, yet forasmuch as it appears that these losses were not by the capt^t his neglect, & that he hath bin at further charge then he giues acc^o off, y^e Court discharges the capt^t of that loss, & orders the country to beare it.

1654.

19 October.

It is ordered, that Georg Munnings shalbe called to an account about the escape of the prisoner Benjamin Saucer, & do therefore order, that he shall giue answer for the same at the next County Court at Boston, vnto whom power is hereby giuen to deale with him as the merritt of the cause shall require, either by fine, displaceinge of him, or otherwise, if he giue not a satisfactorie answer thereto.

Munnings of-
fence.

Abigaile Elithropp, complayninge of some estate left her by her late deceased husband, which is vnjustly detayned from her, vppon her request, is referd to the next County Court at Ipswich for releife, who haue hereby power to issue y^e same.

Elithrops
answ.

The towne of Portsmouth, preferring a petition for settling the bounds betweene Hampton & themselues, the Court think^l meete to referre the issue of the case to commission^{rs}, & to that end haue chosen M^r Joseph Jewett, M^r Thomas Bradbury, & M^r John Saunders, who are hereby impowred to examine the matters in diffrence betweene the townes of Portsmouth & Hampton, as touching the lyne betweene them, & to settle the same in such a way as may by them be judged most meete, vppon a full hearing of what shalbe alleadged in the case, & that they make returne thereof to the next Court of Election, & M^r Joseph Jewett to appoynt the time & place of meeting.

Portsmoth peti-
tion.

It is ordred by this Court, that Goodwife Heydon shalbe allowed fifty shillings out of the country rate, for the releif of her distempered child for this yeare.

Heydons guift.

*In the case of M^r Edward Godfryes complaynt agaynst the towne of Yorke, about lands, it is ordred, by & wth the consent of the s^d M^r Godfry & M^r Edward Rishworth, on y^e behalfe of the towne, & each p^ticular p^{son} concerned herein, that M^r John Brocke, M^r Valentine Hill, & M^r W^m Worcester shalbe & are hereby appoynted com^{mission}o^{rs} from this Court to here & determine all the differences between the s^d M^r Godfry & the towne of Yorke, & others whom it may concerne, in reference to a meet p^{portion} of land to be allowed the s^d M^r Godfry, accordinge to his demeritt^l, as also for his charg in attendance on this Court; & the s^d commission^{rs} are hereby desired to make a full end of this busines by the last of Aprill, 1655.

[*440.]

Godfry^l com-
playnt.

1654.

19 October.

To the inhabitant^l of Yorke: Whereas Mr Edward Godfry hath complained to this Court of vnkind, if not vnjust dealing he hath mett with amongst you, in reference to a meete pportion of land, suteables to his endeouours, charges, & claymes, that we might put a convenient & comfortable issue to this diffrenc betweene you, we haue commissioned, wth both yo^r consents, Mr Worster, Mr Brock, & Mr Hill to here & determine the case before the end of Aprill next, & doe desire & expect y^t you will readily attend such conclusions, & pvent any further cas^e [^]complaynt on his p^t, which seemes not to haue bin wthout a cause.

Mr Bradstr.
land, &c.

Hatevill Nutter & Thomas Caney, being appoynted to lay out one thousand acors of land for Mr Bradstreet & Capt Wiggan, vpon the northeast side of the great riuer at Nethewonake, haue layd out the same, the most p^t swamp, as they suppose, out of all towne bounds & proprieties, viz^t, 12 furlong^l by the riuers side, the riuer being the bounds on the southeast side, & so to run vp into the woods vpon a northeast lyne from the s^d riuer, eyght furlong^l & 14 pole vppon each side of the lott which is so marked & bounded by them, & there names hereto subscribed.

Saunders case.

This Court, hauing pvsed the seuerall testimonyes brought in agaynst Edward Saunders, of Watertowne, for abusing the body of Ruth Parsons, doe not find him guilty of death, but justly deserueing a high & seuerer sensure, & doe therefor judge meet, that he shall be seuerely whipt, first, in Boston, 2^{ly}, in Watertowne, at some publicke meetinge, not exceeding 30 stripes at a time, & also y^t he shall henceforth weare a rope about his neck openly, to be seene hanging downe two foot long, to contynue dureing y^e Courts pleasure; & if he be found aboue forty rod from his howse wthout such a rope, then for euery such offence to be whipt agayne before the three commiss^{rs} of y^t towne, by the cunstable, in manner before exprest.

[*441.]

Indians answe.

*An Indian, p^ferring a pe^t to this Court, for Tompsons Iland, is referd for answer to a course of law in a Court of justice.

Christopher Auery, being fined 20^{li}, at Ipswich Court, for liuing from his wife, vppon his pe^t to this Court, being aged & poore, & havinge vsed meanes to pcure his wife hither, his fine is remitted.

The towne of Concord, desireing a tract of land for their better accom^oodation, are to returne to this Court what quantitie of land yet remaynes vndisposed of, which they desire, & then this Court will giue further answer to their pe^t.

Cheynes case.

Whereas there hath bin a suit in law depending between John Cheny, of Newbery, guardian to Abiel Saddler, & Isaacke Boswell, of Salsbury, about

the title of an inheritance w^{ch} somtimes was M^r Christopher Battℓ, lying & being in the town of Salsbury, the s^d John Cheny by these p^sents doth aquite & discharge the s^d Isacke Boswell from all suitℓ & demaunds for the time past, & for the time to come doth engage & p^mise neuer to sue or molest the s^d Isaake Boswell about this busines. This was acknowledged in Court & subscribed by John Cheny, (17: 9, 1654.) Vppon this agreement the Court confirmed the estate of the howse & land to Isaake Boswell affore^sd.

1654.

19 October.

In obedience to the Gen^l Courts order, we, whose names are hereto subscribed, haue viewed the line concluded by Salsbury & Hauerill, to deuide the land between them, & we find that, as it is exprest in the pe^t, there is a great mistak in the first runing of the lyne: this is acknowledged by both p^ties, for he y^t carried the compas at the first, from the place concluded on, from Merimack Riuer, about one mile & a quarter, to a stump of a pipestaue tree, he s^d he had run north west, which moued the men chose by Hauerill to yeeld to Newbery one poynt more; but we haue gon northwest from the place on Merimacke Riuer formerly concluded on, & we find that northwest goeth a quarter of a mile in a mile neere to Haverill then the lyne first run; so we find y^t northwest is as much as, according to the true vnderstanding of their first agreement, doth yeeld vnto Salsbury; & if the line north west & by west should stand, a great p^t of the meddow lying on y^t quarter would be cut off from Hauerill, to their great p^judice; & the not knowing of that mistake made them yeeld one poynt more. We think itℓ just between them both that a northwest line part the land betwixt them; & if any of the meddow layd out by Hauerill shalbe taken from them hereby, that those meddowes shall remayne to Haverill, or to those to whom it is layd out. Further, we thinke y^t Salsbury should haue libertie ouer Hauerill Commons, if the swamp stop the way, & the s^d way to be forty rod broad.

Towne bounds.
Salisbury &
Haverhill
bounds.

HEN: SHORT,
JOSEPH JEWET,
JOH: STEUENS.

The Court accept of the returne of these comission^{rs} appoynted to lay out these bounds affor^sd.

*Whereas Showanan, sagamor of Nashaway, is lately dead, & an other [442.] is now suddainly to be chosen in his roome, they being a great people, who haue submitted to this jurisdiction, this Court doth order, that M^r Increase Nowell & M^r Eliott be sent vnto them to direct them in their choyce, their eyes being vppon 2 or 3 which are of the bloud, one whereof is a very debaust, drunken

Sagamor.
Sagamor dead.

1654. fellow, & no friend to the English; another of them is very hopefull to learne the thingℓ of Christ; if, therefore, these gen^t may, by way of pswasion or counsell, not by compulsion, p^rvayle wth them for the choyce of such a one as may be most fitt, it would be a good service to the country.

19 October.

Astwoods estate.

We, whose names are hereto subscribed, being appoynted by the Court to examine the acc^o referring to the estate of M^r James Astwood, deceased, & to make returne of o^r thoughts therein concerning that p^t of the estate that by law is due to y^e widdow of the s^d James, deceased, which is the third p^t of the howses & lands, for terme of life, find —

That according to the value the s^d howses & lands were sould for, being 225^{li} 4^s 1^d o^b, her p^ortion, being allowed after the rate of 5 p cent, & accounted as contynued the terme of seuen yeares, amountℓ to 26^{li} 7^s 4^d.

Her receipts.

By vertue of a Court order, d^d to her by the administrator, 23^{li} 5^s 8^d.

And more in seuerall goods taken by the s^d widdow without the knowledge of the administrator, as is testefied vnder the hands of M^r Stodder & M^r Tyng, sum of 20^{li} 16^s 6^d.

So that it appeares that the widdow hath re^c of the estate more then her p^ortion, the sume of 17^{li} 14^s 10. And whereas, in regard of due order, shee should haue re^c her p^t aⁿually, & but for terme of life only, she hath caried already this whole sume out of the country.

Wherefore wee conceiue that the remaynder of the whole estate shalbe free from all clayme, demaund, or tytle bye y^e s^d widdow, or by any in her behalfe to be made, & therefore we judge it requisite that legall assurance be made to the purchasers of the s^d howses & lands which were the estate of the s^d M^r Astwood, according to the contract made betwixt the administrator^s & the purchasers.

ELIAZUR LUSHER,
BRIAN PENDLTON.

The Court, hauing p^rysed the returne of this co^mittee in reference to the p^rticulers aboue mentioned, approue of the same as it is here inroled.

Wattens estate.

Its ordred by this Court, that Cap^t Brian Pendleton shall haue the administration of the estate of Joh Watten, deceased, & that a true & p^rfect inventory of the s^d estat be taken by him & rendred to the Court, that some course may be further taken for the releife of his widdow, as this Court shall hereafter judg meete, & y^t he make returne thereof to the next Gen^l Court.

In answer to a p^rf, p^rferd by M^r Rawson, for land, in refference to his

journey to the eastward, this Court graunts him two hundred acors vppon **1654.**

*Chochichowicke Riuer, aboue Douer bounds, not graunted to any others, 19 October.
Secretarys
graunt.
pvided that Cap^t Pendleton be joyned wth Peter Coffin in laying out the same.

In the case respectinge Lieu^t Pike, & the petitiono^{rs} on his behalfe, the committee imployed to examine their seuerall answers haue made a returne of those psons which haue not giuen satisfaction, whose names are herevnder written: of Newbery, Joh Emery, Senior, John Hull, John Bishopp, Benjamin Sweet, Daniel Thurston, Junio^r, Joseph Plum^{er}, Daniel Cheney, John Willcutt; of Hampton, Christopher Hussey, John Sanburne; of Salisbury, Samuel Hallis, Phillip Challice, Joseph Fletcher, Samuel Gethoths, Andrew Greley, George Martin. The Court doth order, that these psons aboue mentioned shall be su^moned by warrent from the clarkes of the seuerall County Court^l to which they belonge, & to giue bond, to the value of 10^{li} a man, to giue answer for their se^uall offences before the s^d County Courts, who shall haue full power to issue the same as they, in their wisdoms, shall judge most meete. [*443.]
Pikes case.

Nathaniel Boulter, playn^t, p^{er}ferd a p^{er}t for the hearinge of a case depend- Bolters case.
ing betwixt the s^d Boulter & Rob^t Lord, deffend^t; Mr Thomas Macey enga-
ging himselfe for the payment of fve pounds, for the charge of the Court. The
Court, on a hearinge of the case, did find for the playn^t.

It is ordred by this Court & the authoritie thereof, that Major Gen^l Gib- Castle comit-
tee.
bons, Cap^t Atherton, Cap^t Sauage, & Cap^t Clarke are hereby deputed & em-
powred to be a committee, furnished wth full powre to treat wth & conclude
with Cap^t Dauenport; or, in case he concurr not, with any other man whom
they, or any three of them, shall judge meete for that place & trust, to be
cap^t at o^r Castle, & to attend the service therein required by law. & the
s^d cap^t shall hire fower fitt men to be the garison there, & to pay the s^d sould-
diers, pvided the whole sume for salery for the cap^t & garison exceed not one
hundred & fifty pounds, & to make their returne to the next Court of
Election.

It was put to the question, whether the country shalbe lyable to defray Souldiers pay.
the charg of such souldiers as were vnder the late press & not imployd in
service. It was resolved in the negatiue.

The Court, being sensible of the great charge of the country, & therfore not Rate agment-
ed.
willing to press vppon them vnles in case of necessitie, to defray such just
debts as they know not how to avoyd, doe therefore order, that the Treasurer
shall send forth his warrents to all townes for a quarter p^t of the aⁿual leuy,
for defraying the expence of y^e late expedition.

1654.

*To Major Gen^l Robt Sedgwicke.

11 November.

[*444.]

Major Sedgwick.

It is ordered, that Benjamin Saucer, the blasphemor that made his escape out of the prison, shall, & hereby is, demaunded of the sd Major Sedgwicke, commaunder in chefe of this ffileet, desireing him to send vp the sd Saucer, & order his deliuey to the prison keeper, from whence he made his escape. By the Gen^l Court, 11, 9: 54.

Castle pay.

Whereas this Court, in May last, ordred & appoynted each souldier of seuerall of the townes wthin this jurisdiction to pay fower shilling℥ six pence, in lieu of fower trayning dayes, towards the repayre of the Castle, as in y^t order more fully appeares; this Court finding that worke to be much vnder delay for want of some meete pson for the gatheringe thereof, or, vppon refusall of payment, to leiuie the same by distresse, it is therefore ordered by the authoritie of this Court, that the cunstable of euery such towne where the souldiers are to pay, shall, & hereby are, impowered & required forthwith to demand & re^c of euery such souldier in such company the sd sume of fowre shilling℥ six pence; &, on refusall or neglect, to leuie the same by distresse, as in other cases; & they are hereby required speedily to send in what they shall receiue vnto Boston, & deliuer it vnto Major Gen^l Edward Gibbons & Cap^t Humphry Atherton, or their assignes, who are appoynted a co^mittee to order the repayre of the sd Castle there, with the charg & adventure of such pay as shalbe so sent to Boston, to be allowed out of euery such payment.

Glouc^r answ.

The towne of Glocester, being vnder a fine of fīue pounds for want of their pportion of match, which they haue now p^ecured, vppon their request to this Court, haue their fine remitted & their p^et re^c freely.

Coll. ffefees.

Whereas diuers elders, who were ouerseers of the colledge, are taken from vs by death, others gone for England, so that there is at this time great need of some other elders to supply their places, this Court doth order & desire M^r John Allen, pastor of Dedham, M^r John Norton, who is now teacher at Boston, M^r Samuel Whiting, & M^r Thomas Cobbett, elders of Lyn, to be ouerseers of the sd colledge, with the rest of the ouerseers, for the ording & disposing of such thinges as are requisite for the good & welfare thereof.

Treasurer acc^o.

It is ordred by this Court, that Cap^t Sauage, Cap^t Lusher, & M^r John Wiswall shall be a committee to examine the Treasurers account℥, imēdiatly after the breaking vp of this Court, so that the account may be published for the cōntries satisfaction.

Commissioⁿ re-
turne
aproued.

[*445.]

This Court, having p^rsed & seriously considered the agreement of o^r commissionoⁿ at their last meeting at Hartford, as to the ending of all former diffrences *and offences betwixt this gouernment & the rest of o^r confōderates,

doe approue thereof & consent thereto, p^ressing o^r resolution to act accordingly, 1654.
& therefore doe order, that t^hres be sent to the other three Gen^l Courts to cer-
tifie the same. 11 November.

Whereas vpon too much experience it is apparent, & also much com- Wine sellers.
playned off as a cause of much & just greivance, that the Indians, through the
excessiue & abusiue drinkinge of wine & strong liquors, are ffrequently ouer-
come & therby guilty of swinish drunknes, which oft times they atayne by
some such of the traders as too much affect & regard their owne profitt, this
Court, taking knowledge thereof, & judging it to be o^r duty not only to bear Evil of Indians
wittnes ag^t such a sinfull practise amongst the natiues, but also to vse o^r best drinking wine.
endeuours to restrayne the same, doe therefore order, & by the authoritie of
this Court it is enacted, that no maⁿer of p^rson whatsoever of this jurisdiction,
except such as are in this order expressly named, shall sell, contracte, or
trucke, directly or indirectly, by themselues or others in their behalfe, either
wine or strong liquors of any sort, kind, or name, at any time or vpon any
pretence whatsoever, to any Indian or Indians, vpon forfeiture of the p^renall
sum of twenty shilling^e p^r pint to the co^mon treasury, & accordinge to that
p^rportion for all quantities more or lesse; & it is further ordred by the
authoritie affore^sd, y^t in the countie of Suffolke, M^r John Wiswall, of Dorches-
ter, & Cap^t Lusher, of Dedham; in the county of Middlesex, Thomas Brooke,
Senio^r, of Concord, & W^m Cowdrey, of Redinge; in Essex, W^m Moodey, of
Newbery, & John Fry, of Andevour; in Norfolke, Roger Shaw, of Hampton,
& Henry Palmer, of Haverill; in Yorkeshire, W^m Pomfrett, of Douer, &
Edmund Littlefeild, of Wells, are hereby empowred & ordred to sell wine of
any sort & strong liquors to the Indians, as to their judgments shall seeme
most meete & necessary for their releife in just & vrgent occasions, & not
otherwise; p^rvided, that the s^d p^rsons so impowred, nor any their assignes, shall
sell or deliuer to any one Indian more then one pint at any one time, vpon
any p^rtence whatsoever, which p^rsons also so named & empowred as affore^sd
are advised & hereby required so to maⁿage this case wherein they are
intrusted, wth that care, heedfullnes, & diligence, that to the vttmost of their
power this sinfull & offensiue abuse may be reformed; also, that no p^rson
shalbe hereafter empowred & intrusted herein except only such as shall p^rticu-
larly be allowed of by the Gen^l Court.

In y^e case betweene M^r Giffard & the vndertakers of y^e iron workes, the Giffards case.
whole Court did, by their vote, declare themselues to confirme the actinges of
the audito^{rs} vpon the accomp^{ts} betweene the s^d Giffard & his principalls,
so far as they haue positiuely issued the same, waueing for the p^rsent the
alegations about their covenants.

1654.

Sept. 20, 1654.

20 September.

[*446.]

*At this Court appeared Cap^t Rob^t Keane & M^r Edward Hutchinson, attorney for M^r Josiah Winslow, deputyes & attorneys for the vndertakers of the iron workes, playn^t, & M^r Joh Giffard, late agent to the vndertakers of the iron workes, deff^t., & after the Court had heard what the p^rtyes could & did say, the originall atatchm^{ts} were read, & the verdict of the County Court at Boston: therevppon it was put to the question, whether the Court be satisfi^d y^t M^r Joh Giffard was agent for the vndertakers of the iron workes: it was resolved on y^o affi^r.

It was put to y^o question, whether the Court were satisfi^d that M^r Joh Giffard was sued, at the last County Court, as agent: it was resolved on the affirmatiue by the whole Court.

Iron work dis-
putes.

It was also put to the question by the whole Court, whether so much as is or shalbe charged on M^r Joh Giffard, or he chargeth himselfe wthall, in refference to the iron workes, he ought not to discharg himselfe according to orders & instructions frō his princypalls: resolved on the affirmatiue, he ought.

4th. Whether the atatchm^{ts}, not distinguishing Joh Giffard vnder the terme of agent, doe make the playn^t lyable to a non suite, reffering to the action: resolved on the negatiue.

It was put to the question, whether M^r Belingham & M^r Nowell be capable of voating in the case: resolved on the affirmatiue.

It was also put to the question, whether this Court, in the case of the vndertakers of the iron workes & M^r Giffard, would so accept of the first audite, as to begin where they left, reserving the playn^t just liberty in poynt of plea for damage in their second action for the defend^t, not following his orders & instructions: it was resolved on the affirmatiue. P Curiā.

Cap^t Rob^t Keane, p^t, & M^r Joh Giffard, deffend^t, being in Court, & pleading to their case, the Court demaunded of the s^d Giffard that he would show his orders & instructions, to p^rue his owne charges of guifts, expences, &c, which he absolutely refused; & when the Court moued him to giue a p^rticuler answer, to ease the colour of deceit, in mowing forty acors of grasse for six cattle only, (if he could,) which he had confessed, he s^d he had answered the audit, & would answer no otherwise; the Court therevpon declared, that then they would examine as they might, & judge accordingly; & after the whole Court had heard what the playntiffs & defend^t could say, & p^rvsed seuerall of the euidences & auditors returne, they p^rceeded as followeth:—

Whereas there is an action of thirteen thowsand pounds vpon account depending in this Court, betweene Mr Josiah Winslow & Cap^t Rob^t Keane, deputyes & atturneyes for the vndertakers of the iron workes, playnt^r, agaynst Mr John Giffard, late agent, defendant, the Court finds that vpon the sayd Giffards psenteing his bookes of accountps in a County Court, by their order, where the action was first comēced, the sd Court refferd the auditing of the sd accounts to certayne select meet psons, who, hāving spent much time about the same, made a returne, so far as they had pceeded, but left the consideration of many pticulers in Mr Giffards charge, which they wanted evidence to pas, to the value of three thowsand five hundred seuentie two pounds sixteene shillings & eleven pence, to the consideration & determination of the Court; but this sum, consisting *of too many pticulers for the Court to examine, was agayne referd, together with the effects of the iron workes, to other auditor^s, who, after much time expended about the same, made their returne, & left the defend^t debtor, vpon the whole, the sune hereafter exprest, agaynst which the playntiffs made some just & considerable objections, which occasioned this Court to enter into a more strict consideration & examination of the whole account, wherein they find many false charges, vaust expences, & guifts, some tons of iron disposed of, which he giues not the iron works credite for, the pfitt of the farme, &c, which he made yse of for himselfe, not brought to accounts, together with diuers other improbable disbursments put vpon account. The Court also find that the last auditor^s had respect only to the accountps as they stood in the bookes, without reference to the deffend^ts orders or comissiō, & so issued the same in an arbitrary way, & much of it wthout proffe, which this Court could not allow off; but after much time spent in the case, finding the acc^o intricate, & very many of the pticulers contaynd in fowre papers left by the first auditors to the determination of the Court, to the valu of three thowsand five hundred seuentie two pounds sixteen shillings & eleuen pence, very doubtfull & suspicious, the playntiffs also objecting ag^t the whole, as being done without order, & the deffend^t refusing to show his orders or comission for the same, the Court judged it meet that the deffend^t should be allowed two thowsand & five hundred pounds out of the fowre paps, & that execution issue out from this Court for the playntiffs for the rest, together with the eyght hundred & odd pounds exprest in the foot of the audite, leaving the defend^t to his liberty, by due proffe according to his orders & instructions, to proue what he may or can more, the defend^ts payinge the workmens wages, & giuing securitie for the same.

1654.

20 September.

[*447.]

Its ordered, that the second action for breach of covenant, &c, in refer-

1654. ence to Mr Joh Giffard, in the case of the iron workes, be referd to the next
Gen^l Court, in May.

20 September.

It is ordred, that Mr Nowell, Cap^t Atherton, Cap^t Clarke, Cap^t Lusher, & Mr Edw: Jackson be a comitte to advise with some of the elders in cases of blasphemy, rape, &c, & to draw vpp some lawes to p^sent to the next Court in the case.

About inapost.

Whereas this Court hath layd an impost on wines imported into any p^t of this jurisdiction, as in the title Impost in the first printed booke appeares, & that of late they haue lett to farme the s^d impost to Cap^t W^m Hawthorne, Cap^t Joh Leueritt, Leiut W^m Phillips, &c, & that no pson seemes now to be impowred to take the forfeitures that in such cases may be made, it is therefore ordred, that Leiut W^m Phillips shall & is hereby impowred, according to that law in reference to the impost, to take all forfeitures that hath bin, shall, or may be made in any p^t of this jurisdiction during the time of their contract, & to appoynt one or more deputyes vnder him in any p^t of this jurisdiction, to demand or re^c any of the s^d imposts, according to law, of any pson or psons whatsoever, & on refusall or nonpayment or entry, according as the law requires, to make seasure, & by suit^l in any Court of this jurisdiction, to recouer his or their full dues, according to law; & this to contynue till the Court take further order.

1655. *At a Generall Court of Election, held at Boston, the 23 of the
3 Moth, 1655.

[*446^a.]

23 May.

Chosen: —

John Endicott, Esq^r, Governo^r.

Richard Bellingham, Esq^r, Dep^t Governo^r.

Assistants: Increase Nowell, Gen^l,
Symon Bradstreet, Gen^l,
Samuel Symonds, Gen^l,
Cap^t Robert Bridges, Gen^l,
Cap^t Thomas Wiggan, Gen^l,
Cap^t Daniel Gookin, Gen^l,
Majo^r Daniel Denison, Gen^l,
Majo^r Symon Willard, Gen^l,
Majo^r Humphrey Atherton, Gen^l.

Symon Bradstreet, Gen^l, }
Majo^r Daniel Denison, Gen^l, } Commission^{rs}.

Mr Richard Russell, Treasurer.

1655.

Mr Edward Rawson, Secretary.

23 May.

Daniel Denison, Esq^r, Major Gen^l.

The names of y^e Deputyes.

Salem: Mr Edm^r Batter.

Charlestown: Mr Rich Russell, Cap^t Francis Norton.

Dorchester: Leiv^t Roger Clapp, Mr Rich Collicott.

Boston: Cap^t Th^o Savage, Cap^t Th^o Clarke.

Roxbury: Mr Philip Elliott, Mr Edward Denison.

Watertown: Mr Rich Browne, Mr Ephraim Child.

Lyn: Mr Th^o Layton, Mr John Fuller.

Cambr: Mr Edward Collins, Mr Rich Jackson.

Ipswich: Mr Joseph Metcalfe, Mr George Giddens.

New-bury: William Titcombe.

Waymouth: James Nash.

Hingham: Mr Jeremiah Houching

Concord: Mr Rob^t Miriam.

Dedham: Cap^t Eleazer Lusser.

Salsbury: Mr Samuel Hall.

Hampton: Henry Dow.

Rowley: Maximilian Jewet.

Braintree: Cap^t Richard Bracket.

Dover: Mr Valentine Hill.

Woburne: Cap^t Edward Johnson.

Malden: Mr Joseph Hils.

Kitree: Mr John Winkoll.

York: Mr Edward Rushworth.

Cap^t Edward Johnson was chosen Speaker for y^e House of Dep^{ty}es for y^e first week of this session.

William Torrey was chosen Clerk to y^e House of Dep^{ty}es for this yeare ensuing.

*FORASMUCH as, by a late law, such deputyes as shall accept his choyce to that service doth forfeit 20^s a day for euery dayes default for not attendance on the service of the country, & that the p^sence of the magistrates is more necessary then any deputies, it is ordered, that no magistrate shalbe absent from the Gen^l Court, otherwise then any deputy may be, on p^oenalty of 40^s a day, as in the s^d law is expressed for deputyes, wthout the consent of both howses.

[*447^a.]

Magist^r to attend y^e Court.

Gou^rno^r to reside neere Boston.

It is ordred by this Court, that who soeuer shalbe chosen Gofino^r from yeare

1655.

23 May.

to yeare shall, wth the first oppertunity, make his abode in Boston, or some adjacent towne or place within fowre or fiue miles of Boston, & shall there contynue his abode dureing the tyme of his goũment, that so he may be the more serviceable to the country in gen^l, both in respect of straungers & other wise; & it is further ordered, that either now or next sessions suteable accomodations may be pvided, which may encourage the same for the future, & for p̄sent doe desire the Goũno^r to reside at Boston, or neere therevnto, as much as his owne necessary occasions will pmitt.

Guns to be
mounted.

This Court, considering that there are in many townes seuerall peeces of ordinance which ly vnmounted, or not suffyciently mounted & fitted wth appurtenances fit for service, also some forts & batteryes that are out of repayre, doe therfore order, that such great guns, forts, or batteryes as the com̄ittee of militia & select men shall se nessessary for the security of the s̄d townes for to mount or repayre, the select men of the s̄d towne are hereby required & impowred for to make & levye on the estate of the s̄d towne, according to pportion of the country rate, which levye shalbe gathered by the constable of the s̄d towne & by them liṁitted into the hands of the Treasurer or the constables, if appoynted to be the Treasurer of the s̄d towne, for the vse afforeṣd.

About salt.

The Generall Court for the Massachusett^l, being sensible of the exigents of the country in respect of salt, haue appoynted M^r Joseph Hills, M^r Edmund Batter, M^r Edward Collins, & Cap^t Thomas Clarke, or any three of them, to be a committee to treat with & agree with any marchant or others that are willing to engage to supply the country with salt, according to the ppositions mentioned in a draught of an order herevnto annexed, or to the like effect, for the benefitt of the country; & to the end it may be the better effected & all occasions of objection *pvented, pclamation hereof to be posted on the meeting house dore of Boston, & other publicke places; the committee to meet the 9th of this instant, 1655.

[*448.]

Salt.

This Court, takeing into consideracō the exigents of the whole country, occasioned by the want & scarety of salt, not only for the pseruing of flesh & other domesticke occasions, but for the reviueing & vpholding of the fishing trade, which lyes much discouraged & decayed, for redress whereof it is ordered by this Court & authoritie thereof, that M^r Joseph Hills, M^r Edmund Batter, Cap^t Clarke, & M^r Edward Collins be a committee to treat with & compound with any marchant, in the name of this Court, for supplying the country with salt from time to tyme, & to giue & take engagm^t or securitie to the vse of the country & other p̄tyes as to them shall seeme needfull therein, pvided the price no time excede 15^s p hhd for all salt deliuered on

shipboard, not aboue 16^s p hhd from the store howse for all sould by the hhd at a time, not aboue 2^s 6^d p bushell for all lesser quantities retayled, and that no country commodyty be refused at price current, & that a true acc^o be kept thereof, so that the ouerplus of pfitt vppon the retayle (due charges deducted) may be to the vse of the country, and that the agreement be not such as shall phibite the selling of any salt made wthin this jurisdiction, nor for more then seuen years terme, & that one halfe pt of *of* the pfitts of all salt imported by any other pson shall by such vndertaker be yearly payd in to the country Treasurer from time to tyme for the benefitt of the country, & the easing of publicke charges; & it is further ordered, that no pson whatsoever shall buy any salt that shalbe imported by any other then such marchant or agent for the country so engaged, on pœnalty or forfeiture of the sume, or the value thereof, one halfe to such agent, the other half to the country; nor shall any pson, on any ptence whatsoever, any wayes sell or trade any salt to any fisher mā employed in taking or saving of ffish, for exportation, whether at second or 3^d, or any other hand, for more then 2^s 6^d p bushell; nor shall any sell any salt at second or 3^d, or any other hand, as afore^sd, to any other pson, for more then after the rate of 3^s p bushell; nor shall any that trade or sell salt to any man refuse paym^t in any country comōditie *at price current, on pœnalty of forfeiture of the value of all such salt so demaunded & denyed, one halfe to the informer, the other halfe to the country; pvided these prises & pœnalties, in this order expressed, extent only to salt imported from forraigne part^l.

1655.

23 May.

[*449.]

This Court, taking into their consideration the complaynts of seuerall in reference to the abuses comitted by diuers seamen, who, bringinge corne from Conectecott & other places, so measure the same as by experience is found will not yeeld so much, althō p^sently measured agayne, by fowre or fiue p cent^l, & further, considering the abuse that is in cordinge of wood & measuring of boards, doe therefore order, that it shalbe in the power of the select men of Boston, Charstowne, & Salem, & such townes within this jurisdiction as shall se cause so to doe, to appoynt one, two, or more, as need shall require, who shalbe sworne faythfully & vprightly to measure such corne, boards, or wood as they shalbe called vnto, & that no man shalbe forced to receiue such corne, wood, or boards, except they agree thereto, but such as is measured by such pson or psons so appoynted & sworne, the ptyes receiuing the corne, boards, or wood to pay for the measuring thereof.

Corne & boards
to be meas-
ured.

For pvention & redress of many misdemeano^{rs} & evill practizes daylie increasinge, to the dishono^r of God and dammage of the country, it is ordred by this Court & the authoritie thereof, that there shalbe a howse of correction pvided in each county at the counties charge, to be settled, ordered, &

House of cor-
rection.

1655.

23 May.
Bridges.

impruned as the Magistrates in each County Court or Court of Assistants shall agree & direct vnto, vntill this Court take further order therein.

This Court considering that bridges in country highwayes are for the benefitt of the country in generall, & that it may be very vnequall to lay the charge for such services on p̄ticular townes, it is therefore ordered that, from time to tyme, vppon information or complaynt to each County Court of any necessitie or neglect in such cases, the Court shall appoynt a com̄ittee to view, consider, & determine the same, & that the charges shalbe pportioned by the Magistrates in each County Court, to be levyed vppon the seuerall townes in each county according to the direction of the law for the country rates vpon the estate in each county; & the law made in the yeare 1648, that layes the charg of bridges on p̄ticular townes, is hereby repealed.

Porters pay.

[*450.]

There being a very great abuse in the townes of Boston & Charlestowne by reason of such psons *who take vpon them the name & employment of porters, who many times require & exact aboue that which is just & righteous for their labors, for the redress hereof it is ordered by this Court, that from henceforth the select men of the s̄d townes, from time to tyme, shall haue power to regulate in this case, & to state their wages as in their vnderstandinge shalbe most just & equall, & also what psons shalbe imployd therein.

Bridges.

This Court having ordered that all bridges in country highwayes, as need shalbe, shall, from time to time, be made & mayntayned by each county in which they are, & that the bridge at Naponsit Riuer is wholly ruined, & that there is, as is alcaged, a necessity of a cart bridge ouer that riuer in some place neere Mr^s Stoughtons mill, which, if deferred, cannot be made vp before winter, which, if it should not be, would be very dangerous to man & beast, it is therefore ordered, that Cap̄t Lusher, Cap̄t Savage, Mr Collicott, Mr W^m Parkes, Thomas Dyer, & Deacon Bass, or the majo^r p̄t of them, are appoynted a committee to consider & determine whether to erect a bridge there, & if so, then to agree with workmen for the same, & to returne the same to the next County Court, who shall pportion the charg according to law.

The towne of Lyn, preferring a petition for reliefe in respect of their bridg, are referd for answer to the law before goeing.

About strangers.

There being complaynt made to this Court of very great charg arising to seuerall townes by reason of strangers pressing in without the consent & approbation of the inhabitant^e, & no law to pvent the same, this Court doth therefore order, that henceforth all townes in this jurisdiction shall haue libertie to pvent the coming in of such as come from other parts or places of theise jurisdictions, & that all such psons as shalbe brought into any such towne without the consent & allowance of the prudentiall men, shall not be chargable

to the townes where they dwell, but, if necessitie require, shalbe releined & mayntayned by those that were the cause of their coming in, of whom y^e towne or select men are hereby empowred to require securitie at their entrance, or else forbid them entertainment.

1655.

23 May.

This Court, considering the vrgent occasions of the country respecting Lyn bridge. the bridg at Lyn, doe order, that M^r Edm^d Batter, M^r Georg Gittins, M^r Joseph Jewet, & M^r Thō Layton are a comitte^e forthwith to consider & carry on the compleating of the sd bridge, & the next County Court to pportion the charge to the townes in y^t county, according to the law made this p^sent session.

*A question being moued, whether the regiment of Essex or Suffolke [*451.] were to be exercised this yeare, it was determined by the Courte, that only Essex to exercise.

Thomas Kembel, of Charls Towne, p^fering a petition for an order from this Court respecting an estate, now in his hands, of M^r Robt Rich, his master, & about the accounts betwixt them, re^c this answer: that, vntill he be sued here by his sd master, or his attorney, who can best satisfie the truth of the account^l, & who hath power to accept of them & to giue him a discharg, he should rest satisfied, or else he is left to sue his m^r, Rich, in England. Kembels answer.

M^r John Alcocke, p^ferring a petition for the laying out of seuerall p^lcells of land, as in his petition is exprest, receiued this answer: that the Court, being satisfyed in the conuayances of M^r John Norris for 400 acors of land, & of the 242 acors of the 4000 acors graunted to Roxbury, & also of M^r Palsgraues disposing of the 200 acors of land to his wife, & of the petitiono^{rs} right therevnto by a l^re of attorney, vnder the hand & seale of M^{rs} Anna Palsgraue, doe order, that eyght hundred forty two acors of land be layd out vnto the petitiono^r, as is desired, by Ensigne John Sherman, with this p^uviso, that no just clayme of any other children of the father of the petition^r, if any, be be thereby impayred vnto the two p^lcells of fowre hundred & 242 acors of land in this petition expressed. Alcocks answer.

In the case between Elias Parkman, playn^t, & Cap^t Daniel Gookin, defend^t, in reference to the sd Parkmans voyge to Virginia, the Court, vppon a hearing of the case, do judg, that, although there were fwe psons, old & young, shipt aboard the sd Parkman by the defend^t, yet, in regard two of them were very young, that he should be allowed for transporting of three psons & halfe only the sume of seuen pounds, & for a p^lcell of goods which he caryed twenty shillings, of which we find payd in a p^lcell of tobacco 4^{li} 10^s, but nothing due to the playn^t for the fowre thousand of bread which was Parkmans case.

1655.

23 May.
Country gifts.

shipt vppon another vessell; as also doe find for the playnt³ 10^s dammages, & graunt him costs.

There being information giuen to this Court, some gratuities giuen to this country by some in England are yet vndisposd of, remayning dormant, this Court doth order, that the deputyes of the seiall townes enquire into this busines, to find out what may be justly due to the country, either in this or any other way, & make returne of what they find to the next session of this Court.

[*452.]

Ipswich & Bos-
ton case.

*Forasmuch as, notwithstanding the meanes formerly vsed for the composing the matters in diffrence respectinge the case of Mr Norton & the church of Ipswich haue been ineffectuall for that end & purpose, this Court, being willing, if possible, to put an issue therevnto, vppon serious consideration, can thinke of no better expedient then to call a councill of the elders & messengers of chhs to help in this case, & doe therefore order & desire, that the chhs of Roxbury, Dorchester, Brauntry, Dedham, Charls Towne, Cambridg, Watertowne, Sudbury, Salem, Lyn, Rowly, & Newbery doe each of them send two messengers, to meet at Ipswich on the second Tuesday in June, to consider & advise in the pmisses, & to endeavour to compose & settle the distractions at Ipswich, & to giue their judgm^{ts} in the case between the 2 chhs, whereby Mr Nortons way may be cleared, & the obstructions which hath or may hinder a comfortable issue of this long diffrence may be remoued; &, to pvent delayses, it is expected & desired, that the chh of Ipswich & the chh of Boston, by their messengers & all psons concernd, giue this councill, at the time & place afforeſd, the opertunty of meetinge with them to declare what shall concerne themselves, or the councill se cause to enquire of them in reference to this busines. And we haue desired or honord Goſno^r, Mr Bradstreet, Mr Russell, & Capt Johnson to be pſent at the ſd meetinge, to pvent any inconvenience, & more pſicularly to impart or desires & intent^l, if need require; & it is ordred, that Mr Robt Payne shall take care for the entertaynment of the ſd councill & all psons concernd therein, which shalbe satisfied by the Treasurer. And it is further ordred, that the ſd councill shall haue liberty to adjourne to some other place, if they shall see cause.

Naatuck an-
swer.

At the request of the inhabitants of Nonotucke, W^m Loulton, Thomas Bascom, & Edward Elmer are appoynted to end small causes there, who are ordred to repayre to Springfield comiſſiono^{rs}, who are hereby impowred to giue them their oaths accordinge to law, & also to giue Robt Bartlet the oath of a cunstable, being cald to that office there.

Cap^t Wiggā
answer.

Capt Wiggan, havinge bin imployd by the Gen^l Court, wth other gen^l, to bring in the easterne plantations, as a gratuitie in respect of his service, hath

the graunt of two hundred acors of land vppon the riuer that leads vp to Cochechawicke, to be layd out by Edward Starbucke, Hatevill Nutter, & Mr Edward Rishworth, or any two of them, & Cap^t Wiggan to be at the cost. 1655.
23 May.

In the case of Cap^t Keane & Mr Josiah Winslow, playntiffs, & Mr John Giffard, deffend^t, for breach of couenants, refferd to this Court, the playn^t not appearing, the Court doe declare the playn^t to be nonsuited. Giffards case.

*Seuerall of the inhabitants of Cambridge, liueinge remote from the towne, preferinge a petition to become a village or a towneshipp, the case is referd to a comⁱtee, viz^t, Cap^t Lusher, Cap^t Johnson, Mr Nowell, & Mr Russell, who are hereby appoynted to heare what the petitiono^{rs}, as also the chh of Cambridge, shall aledge either for the graunting or waueing their ppositions, & to make returne to the next session of this Court of their apphensions herein, vnles the chh of Cambridge & the petition^{rs} come to some settlement in the meane time, vnto whom the petition^{rs} should first aply themselves for releife. [*453.]
Cambridge vil-
lage.

In answer to the petition of John Ridgaway in respect of the case depending betweene him & Mr Jordan, the Court thinkes meete, that Mr Jordan haue lib^tie to try his action for that p^ticular case expressed in the answer to Mr Jordans petition the last Gen^l Court, p^rvided he p^rceede to triall at the next County Court for that county; otherwise this petitiono^r to haue lib^tie to p^rceede wth his action in Middlesex Court, else not; & further doe order that no advantage should be taken agaynst the petitiono^r in reference to what hath already past at Cambridge Court in this case. Ridgwayes
case.

In answer to the p^et of Mr Henry Woolcott, of Winsor, respecting the case betweene him & Nicholas White, about the sale of a p^rcell of land, the Court judges meet, that an order be made for the suspending of all p^rceedings about the thirty pounds seuen shillings mentioned in his petition, & that it remayne (in statu quo prius) as before the execution leuyed, expressed in the petition, vntill the petitiono^r may haue optunyty, either joyntly with Nicholas White, or in the name & right of the s^d White, though his consent should be wantinge, that the petition^r, either by himselfe or his attorney, may haue optunitie to try or review his action as affore^sd, for the clearing of the tytle of the land sould by the petition^r to the s^d White, in the County Court to be held at Boston, in the 5th or 8th moth next. And if the land shalbe recouered of Mr Hutchinson for the s^d White, then the bill for the 30^{li} 7^s to be null, without more impleadinge of White; as also that then the Magistrates shall determine all damage respecting Mr Woolcott & Nicholas White, in reference to all former p^rceedings by their impleadinge of each other. Woolcotts
answ.

In answer to a p^et p^rsented by diuers of the inhabitants of Sudbury, respecting some diffrences falne out amongst them, it is ordred, that Majo^r Sudbury ans^w

1655.

23 May.

[*454.]

Willard, Ensigne John Sherman, & M^r Thomas Danforth, are & shalbe a *committee with full power & authoritie to heare & determine all the differences between all or any the inhabitants of Sudbury, in reference to what is mentioned in their petition.

Comissioners
about o^r line.

In answer to a motion from the Generall Court of Plymouth, it is ordred, that W^m Torrey & Cap^t Richard Brackett are appoynted by this Court to appoynt both time & place for the meeting with such commissiono^{rs} as shalbe chosen by the Gen^l Court of New Plymouth, & joyne with them in laying out that marsh lying at Conahassett, belonging to this jurisdiction, according to the former agreement between the commissiono^{rs} of this jurisdiction & New Plymouth, as thereby may appeare, & so to make returne to y^e next Court.

Capt. Leueritts
case.

The Court hauing heard the charge ag^t Cap^t John Leuerett, & his answer therevnto, in reference to the Dutch shipp called the Profitt Samuel, of Amsterdam, & vpon serious consideration doe judge that such actinges, wthout the consent of athoritie here established, is a confronting of this go^ument, & tends highly to the infringing of o^r lib^tie, discouraginge of trade, & destructive to o^r comfortable beinge here, if p^mitted or coⁿinued at, and therfore cannot but approue of the p^{re}cedings of the councell in this case, & their just & due care to vphold the authoritie of this common wealth, wth the liberties & priuiledges thereof; but forasmuch as the s^d Cap^t Leuerett doth solemnly p^{re}ss his fidelitie to this go^ument, & the due honour that he beares therevnto, & that, had he foreseene his acting^e & p^{re}ceding^e would haue bin offensive, he would wholly haue forborne the same, — vpon these & the like considerations the Court is not willing to heighten his censure p^{ro}portionable to the demeritt of his offence, but shall onely adjudge a graue & serious admonition to be giuen him by the Go^uno^r, in the name of this Court, hopinge that this o^r lenitie will be so improued by him as may deserue the further fauour of this Court.

Yorke Courts.

M^r Bellingham, M^r Symonds, & Cap^t Wiggan, & any two of them, are hereby appoynted, with the associates for the county of Yorkshire, to keepe the next County Court at Yorke, at the appoynted time; & the gen^l aboue expressed, with the s^d associates, haue hereby graunted them the same co^mission in all respects as formerly was graunted by this Court to M^r Bradstreete

Their power.

& M^r Symonds, &c, in reference to Kittery, Yorke, &c, & they are hereby impowred to act accordingly as they shall judge meete in sending warrants to all p^{er}sons not yet subjected to this gouernment, that are inhabiting wthin the north-erly lyne of o^r p^{at}tent, so far as it is extended, & to take them vnder this gouernment, &c, & to make their returne to the next Gen^l Court, & the same magis^{ts} are desired to keepe Court at Douer.

*Edward Breekes being fined 4^{li} for not serving in the office of constable, & p̄fering a petition for the abatment of it, the Court saw no reason to graunt it. 1655.

23 May.

[*455.]

In answer to the petition & seuerall Scotsmen who desire to be freed from their masters, the Court, seeing no prooffe nor p̄bability of what they affirme, se no reason to graunt their requests. Breekes answ. Scotsmens answ.

In answer to the peñ of M^r Samuëll & M^r Deane Winthrop on his brother Samuells behalfe, for one third p̄t of the 200^{li} giuen Joshua Winthrop, the orphan, the Court orders, that he be satisfied by the Treasurer in such pay as the country affords the 3^d p̄t of two hundred pounds due vnto M^r Samuel Winthrop, p̄vided he haue & shew forth a sufficyent powre, by tre of atturney or otherwise, to receiue & giue discharg for the same. M^r Winthrop answ.

Att the request of the deputies of Salsbury & Hamptō, M^r Symonds is appoynted to joyne wth Cap^t Wiggans to keepe the County Courts at Norfolke.

Seuerall of the inhabitants of Salsbury p̄fering a petition to hinder the setting vp of the fflotbridge upō Merimacke, which the Court saw no reason to graunt, but did order, that the bridge should be lett fly in the moneth of September, that the petition^{rs} may haue due time to transport their hay without any lett or hindrance, & dureing that time Georg Carr is to keep a sufficient fferry boat on that side. Salsbury answ.

In the case between Cap^t Rob^t Keane, playn^t, & cōmiss^{or} for the vnder-takers of the iron workes, & M^r Rob^t Knight, deffend^t, the Court doe judge, that the playn^t is nonsuited in regard he refused to giue securitie according to law, to be responsall in case the deffend^t should recouer ag^t him, but declared that he would rather yeeld vpp his cōmission then so doe. Iron workes.

The returne of Major Symon Willard, M^r Edward Jackson, & Thomas Danforth, cōmission^{rs} appoynted by the Gen^l Court, the 4th of May, 1654, in reference to the peñ of the select men of the towne of Watertowne, & Christopher Graunt, wth others of the inhabitant^l, &c, to here, consider & determine all differences between the s̄d p̄ties, the aforeſd cōmission^{rs}, in order to theire cōmission, mett the 9th of Fe^b, 1654, before whom the foreſd petition^{rs} appeared, & declared theire respectiue greiuances concerning diuers graunts & allottm^{ts} sundry yeares past made in their towne, the p̄ticulars whereof were, by a joynt consent of both p̄tyes, referred to these 4 heads, viz^t: 1. Plowland; 2. Land in lieu of townshipp; 3. Remote meddowes; 4. Farmes. The aforeſd cōmission^{rs}, having fully heard & examined the complaynts of the petition^{rs} touching their seſuall i^rests & wrongs *in all the aforeſd lands, doe hereby declare their determinatiō for the regulating each [456.] Watertown case.

1655.

23 May.

seuerall deuision as they are vnder the aboue named denominations, in manner as followeth : —

1. For the plowland, & psons intressed therein, it appeares to y^e comission^{rs} that the deuision of land was, diuers years past, graunted & lotted out by the consent of the towne ; & that the most pt thereof (if not all) haue bin already measured out, although diuers of the pprietors therein haue now lost their bounds & stakes : the comission^{rs} doe therfore order, that all such pprietors as can proue their bounds by ancient markes, their intrest in such lotts shall remayne good.

2. That what any mans lott shall exceed aboue one eyght pt more then is graunted him in the town records, euery such pson shall purchase it of such pson as wants his due intrest & portion in those lands, & by lott is the neerest of those that want their due to that place, or else shall part wth his ouplus to him that so wants of his due ; pvided, alwayes, such ouerplus shalbe legally proued, & the bounds thereof actually determined, at farthest, wth in two yeares after the confirmation hereof ; also it shalbe in the libertie of the p^sent possessors to choose at what end or side of his lott he will retayne his due quantitie, so as he take it together.

3. That so much of the affore^d plowland as shalbe found vnbounded, or the bounds thereof vncertayne, shall agayne be measured & layd out, with due respect to euery mans lott & quantitie ; & in case it fall short, then euery pprietor so fayling of his due shall haue a pportion addition layd to his land & lot that he is to haue in lieu of townshipp, which pportion shalbe two acors in lieu of one y^t he wants of the plow land ; & such pson as haue no land land in lieu of townshipp shall come in by lott for allowance, which shalbe made them from the neerest comon land remayning when the land in lieu of townshipp is all layd out, the pportion being three in lieu of one that is wanting of the plow land.

For the land in lieu of townshipp, & psons intressed therein, it appearing to the comission^{rs} that the deuision of land was graunted by the towne, & lotts also drawn vpon it, & that hitherto there hath bin much of it vnlayd out, & that that pt thereof which hath bin measured, the manner thereof is not only contrary to the agreement made when the lotts were drawne, but also very injurious to those y^t are yet behind vnlayd out ; in reference thereto, the comission^{rs} doe therefore order, that the measuring & bounding of any pt thereof formerly done, *if any so be, shall hereby be made voyd & null, & euery pson intressed therein shall haue his former quantitie, as is allowed him vpon record in the towne booke, with the addition of w^t he wants for his plow land, (if any happen to be,) measured & layd out to him, in order as they

[*457.]

fall by lott already drawne, begining at the angle y^t is made at the meeting of the plowland & devidents, only the land shalbe first divided into 4 equall diuisions, according to the first agreement.

1655.

23 May.

3. For the meddow, & psons intressed therein, it appearing to the comissioners that the graunts of the seſſall alottm^{ts} therein haue bin made by the towne, & so farr as they are layd out they haue bin done by a surveyor impowred by the towne; in reference thereto, the comissioners do therefore order, 1. That euery pprietor therein pueing his lott that he holds, layd out & measured by the surveyor, y^t was allowed by the towne, & not exceeding aboue one eyght part aboue his portion to him due *to him* vpon the towne booke, except only such psons as haue seſſall lotts layd together, which fell not together by lott, euery such psons intrest therein shall remayne good.

2. Where any shall haue any meddow taken out of his possessiō, either for exces in quantitie or disorderly addition of lotts, euery such pson shall haue libertie to retayne which of his lotts he pleases to haue in that place, & also to choos at what end of the meddow he wilbegin the measure of *of* his due quantitie therein, to be layd out as neere together as the place will pmitt, that so no vnnessessary daṁag or vnequalitie be put vppon any pson.

3. That such psons as are not able to proue their bounds nor place as afforeſd shall haue their respectiue dues measurd out to them of the meddows remayning in common & vndevided, as neere as can be according to the first originall graunt; & for direction herein it is ordred, that John Lawrences meddow shalbe accounted the first poynt or center, & so to pceed in distance from that according to distance in lottℓ; pvided alwayed, that when any meddow is orderly entred vppon, it shalbe all layd out before another be begun.

4. For farme land & psons intrested therein, it appearing to the comissioners that their originall graunts, especially of some of them, was neither legall nor equall, neither for places nor quantities, & also that those acts vppon record concerning the same haue bin alwayes disallowed by the town in gen^{ll}, by reason whereof the graunts of all are made uncertayne, respecting both places & quantities; in reference thereto the comissioners doe order,—

1. That euery pson having a farme graunted him vppon record in the towne shall haue a pportionable intrest *according to his number of acors in all that farme land, & that euery pson intressed therein shall draw lott agayne for the same, as well those y^t haue already drawn as those y^t haue not, & the land to be plotted & places certaynly determined where to begin & how to pceed before the lotts be drawne.

[*458.]

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23 May.

2. That no pson or psons shall comēce an action at law agaynst either the select townsmen or the inhabitants in gen^l, for a devision of these farmes, vntill the major pt of the psons intressed therein shall desire a devision thereof, & agree thereto, or the Generall Court shall please to take spēciall order therein.

It is also ordred, that all such psons as clayme any intrest in the remote meddowes shall bring in all their evidences, (pueing all the lawfull measuring vnto them,) in writeing, to the commissiono^{rs}, vppon the 20th of this instant, to be examined, vppon penalty of forfeiting all their intrest therein. The commissiono^{rs} doe nominate Deacon Ephraim Child, Deacon Thomas Hastings, Ensigne Joh Sherman, Serg^t Joh Wincoll, & W^m Bassum, or any three of them, a comittee to lay out all these seuerall pcells of land, with due respect to the rules aboue p^rmised.

Eyres answ.

There being a petition p^rferd by M^r Eires & seuerall others, of Watertowne, about the confirmation of lands formerly graunted them, who are referd for answer to what the comissiono^{rs} haue done in the foregoing returne.

Kybycs answ.

In answer to the p^r of Edward Kibby for relief of in respect of a child now in his custody, of Garret Bourn, this Court orders, that the land & howse of the sd Bournes, now vnder seazure by the country, shalbe disposed of for the childs vse, by the select men of the towne of Boston, provided their power shall not extend to make sale of the same, but the proprietie to remayne to the child.

Porters answ.

Grace Porter, of Watertowne, p^rfering a petition for power to make sale of a certayne howse & land left her by her deceased husband, hath her petition graunted, vules Daniel Smyth, of Watertowne, husband of the daughter of Thō Rogers, mentioned in the petition, shall, at the next session of this Court, shew cause to the contrary, p^rvided that Ensigne Joh Sherman giue notice to Daniel Smyth of the Courts consent herein.

Blouds answ.

John Bloud, of Concord, p^rfering a petition for confirmatiō of 400 acors of land bought of M^r Samuel Haugh, the Court, being satisfyed that it is layd out according to the graunt, thinke meet to graunt his petition.

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*It is ordred, that the secritary shall issue out warrents to the constables of the seuerall townes within this jurisdiction, to send him a true list of all the males within their respectiue townes, from sixteene yeares of age to sixtie, before the first of August next; & if any cunstable shall neglect to make their returne as afforesd, he shall forfeit fiue pounds to the treasury.

Lords case.

In the case of Robt Lord, playntife, & Nathaniel Boulter, defend^t, the Court, on a hearing of the case, doe find for the playntife.

Whereas Mr William Worster, Mr John Brock, & Mr Valentine Hill were chosen as comissioners by this Court, & invested with full power to heare & determine all matters in difference between the towne of York & Mr Godfry, in relation to the graunts of certayne lands, which accordingly they haue endeavoured to doe, & made their returne to this Court, agaynst which the inhabitants of Yorke haue made some objections respecting the confirmation of vnknowne graunts made by the sd Mr Godfry before the date of their returne, as also the graunt of lands pjudiciall to the towne, which this Court having considered off, doe thinke meet to reinvest the foreſd comissioners with full power, & doe hereby desire them, with all convenient speed, to make review of their returne, & if it may be by consent of all psons engaged to compose the same, to mutuall satisfaction; or if otherwise, to make vse of such their powre to correct or amend what in their vnderstanding, vpon further information, shall appeare to be of evill consequence to the towne, or any pson concerned therein.

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23 May.
Mr Godfrys
case

The inhabitants of Dedham, pferinge a petition for releife in respect of some affronts offred them by the Indians, as also *as also* some difference in relation to land betweene them, are referred to a course of law for releife in y^t case.

Dedhams
answ.

M^{rs} Elinor Hooke pfering a petition to take into her possessiō, & to make sale of, certayne lands belonging to her first husband, at the eastward, hath her petition graunted, viz^t, all such land as doth clearly appeare sometime to be the estate of Cap^t Norton, her sd husband, pvided there be no legall conveyance of the land heretofore made.

M^{rs} Hookes
answ.

The afforesd M^{rs} Hooke, pfering another petition for the disposing of the estate & lands of her late husband, M^r W^m Hooke, receiued this answer: that the Court thinks meet to giue her power to make improuement of the estate & lands, & pduce thereof, left her by her sd husband, & to demaund, receiue, & recouer all debts, rents, revenues, & pfitts thereof, for the discharg of just debts & accomodat of her selfe & yongest son, mentioned in the p^t, but not to make sale of any land till the Court take further order therein.

*George Parkhurst, pferinge a p^t for power to sell a pcell of land at Watertowne, hath his request graunted, pvided that two third p^ts of the price be left in the hands of M^r Browne for the vse of her two eldest sonnes, to be payd them when they shall come to one & twenty yeares compleate, & in th meane time to be improued for their benefitt.

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Parkhust
answ.

Ensigne Jerimiah Howchen, being ensigne to Cap^t Thomas Clarke, vpon his request to this Court, hath liberty to lay down his comission.

M^r Howchin
dismist.

In answer to the petition of Jerimiah Howchen, administrator to the

M^r Hochens
answ.

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23 May.

estate of Edmund Gross, & in behalfe of his widdow & her children, it is ordred, that an inventory of the estate of the sd Gross being truly brought in to the next County Court for Suffolke, the estate shalbe thus devided, that the widdow shall haue one third pt of the whole estate, the eldest son a double portion, & the rest to be devided between the rest of the children, pt & part like.

Indian.

Awussamug, an Indian, pferring a petition for releife in respect of vnjust molestation by Cap^t Keane & M^r Parker, is, for answer, referd to a due course of law.

Returne from
York.

Whereas we, whose names are vnder written, being authorized by the Gen^l Court, in October, 54, to deale in matters in diffrence amongst vs in Yorkeshire, about country charges, we not being able to act according to the vtmost extent of o^r order, for want of light, but according to o^r best abillities we haue efected so much as is satisfactory to both p^ries herein, yet, notwth-standing the pson appoynted for Kettery in this busines refused to apply himselfe to the Courts order, & haue not brought in the valuation of their estates, yet we haue fauourable & fayrly acted for them as for o^rselues, as may appeare by these seuerall sums y^t follow, as we are credibly informed to walk, & in valuation we find these p^rticulers to be that charge that necessarily arise æqually pportioned from the countyes estate: from Kettery, wth that pt of the Ile of Shoales belonging to it, 45^{li} 15^s 0; Yorke, 17^{li} 17^s 00; Wells, 13^{li} 10 00; Cape Porpus, 4^{li} 8 00; Saco, 10^{li} 05 00. P nos, Abram Preble, Rob^t Booth, Jonath Thing, & Griffen Montague. This returne was approued of by the Gen^l Court.

Jenksinuentio.

It is ordred by this Court, that Joseph Jenkes, Senio^r, & his assignes only, shall haue liberty graunted to them to make that engine the sd Jenkes hath pposed to this Court for the more speedy cutting of grass for seuen yeares, & that no inhabitant, or other pson within this jurisdictiō, during that time shall make or vse y^t kind of engine without lycence first obtayned from the sd Jenks, on the pœnalty of fiue pounds for euery such engine so made or vsed as affore^{sd}, to be recouered at any Court in this jurisdiction by the sd Joseph Jenkes, Senio^r.

Munings fine.

There being due to the country from Georg Munings fiue pounds, & 6^{li} 13^s 8^d which he hath bin fined by the Courts, vppon his petition this Court doth abate the fiue pound, & y^t the other be abated to 4^{li}, p^rvided it be forthwth satisfied, & the Court here no more of it.

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Capt. Leueritt
restored.

*Whereas Cap^t John Leueritt, for his late acting in reference to the Dutch shipp, was by this Court censured & suspended the exercise of his office of captayne, &c, whereby *whereby* the liberty & authoritie of this

gouernment is vindicated, which was the intent of that sentence, not the loss of y^e helpe of any vsefull pson, which we are willinge to emproue, & the Court, being well pswaded that the s^d Cap^t Leueritt will, according to his pfession & duty, direct his actinges for the future to the aduancement of the welfare & authoritie of this gouernment, haue reversed that p^t of his sentence whereby he stands suspended the exercise of his office, & doe hereby restore him to his place, p^{ro}vided that he giue satisfaction for his bringing in a paper which he affirmed to be a copie of an old record of this Court.

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23 May.

Christopher Lynsie being long since wounded in the Pequot service, & disabled from service for 20 weekes, for which he neuer had any satisfaction, vpon his request to this Court, it is ordred, that he shalbe allowed the som of three pounds. Lynsies answ.

Robt Turner p^{re}senting a bill of charges for entertayning the councell (employd, by order from this Court, about M^r Nortons case) to the value of 3^{li} 4^s 10^d, his s^d bill is allowed, & ordered to be payd by the Treasurer.

In answer to the petition of the inhabitants of Shawshin, for a p^{ar}cell of land lying vpon Concord Riuer side to the Indian plantation at Pawtucket, this Court thinkes meet to graunt their request, viz^t, the tract of land mentioned in their p^{et}, if no former graunt be made to any other, & that the name of the place be called Billicary; & whereas there is a motion made, that the next president may haue a farme of fwe hundred acors in this place, the Court doe not consent thereto, as conceiuing it to be very p^{re}judiciall to the plantation, but are willing to graunt it in some other place, where it may be found according to law, p^{ro}vided the p^{re}sident contynue in that place three yeares. Shawshin
answ

There being a bill of charges (p^{re}sented to this Court) spent at Ipswich, at the meeting of the councell there, about M^r Nortons case, to the value of of 24^{li} 17^s 3^d, which this Court thinkes meet to allow, & doe order it to be payd by the Treasurer in the best pay he can make. Charges al-
lowed.

Seuerall of the inhabitants of Concord p^{re}fering a petition for the graunt of some land, in answer wherevnto, the Court thinkes meete to graunt them fwe thowsand acors in the place mentioned in their p^{et}, p^{ro}vided it hinder not any former graunts. Concord.

Zachariah Fitch & Josiah Dastin, p^{re}fering a p^{et} for the remouing of a high way through their *planting ground, re^cd this answer: that the s^d highway shall & hereby is suspended from being made vse of for p^{re}sent, & that the first highway formerly layd out shalbe made vse of, & accounted only the country high way, till this Court shall take further order, that so not only Fitchs answ.
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1655. Present contentions & suits of law may be prevented, but further opportunitie of better information be giuen to this Court for the regulating thereof.

23 May.

Mr Edward Rishworth, deputy for the towne of Yorke, vpon his vrgent occasion, is dismissed from any further attendance on this Court.

Margeru: answ.

Richard Margerum, offering a petition for releife, in respect of an estate, as he affirms, vnjustly detayned from him by Mr W^m Browne, of Salem, is referred for recouery of the same to a course of law in a Court of justice.

The deputies of Salisbury & Hampton, preferring a petition for some ease, in respect of the charge of their County Courts, the fines & actions not defraying the costs, were answered, that the law had already provided in this case.

Presidents supply.

Mr Charles Chauncey, President of the colledg, standing in neede of present supplies, in respect of his necessitie the Treasurer is hereby ordered to disburse the some of thirty pounds to him, to be repayed him out of the first rents of the ferry.

Groaten graunt.

There beinge a petition offered by Mr Dean Winthrop, Mr Thō Hinkley, & diuers others for a plantation vpon the riuer that runs from Nashaway into Merimacke, called Petapawage, & another from some of the inhabitants of Concord, for a plantation in the same place, to both which the Court returned this answer: that the Court thinkes meet to graunt the petition^{ers} eyght miles square, in the place desired, to make a plantation, which henceforth shalbe called Groaten, formerly knowne by the name of Petapawoge, & that Mr Danforth, of Cambridg, wth such others as he shall associate to himselfe, shall & hereby is desired to lay it out wth all convenient speed, y^t so no encouragment may be wanting to the petition^{ers} for the speedy procuring of a godly minister amongst them; provided, that none shall enjoy any part or portion of the land by gift from the select men of that place, but such who shall build howses on their lotts so giuen them, within eyghteene moneth from the time of the townes laying out, or townes graunt to such persons; & for the present Mr Deane Winthrop, Mr Thomas Hinkley, & Joh Tynker, Dolor Davis, W^m Martin, Mathew Farrington, John Witt, & Tymothy Cooper are appoynted the select men for the said towne, for two *yeares from the time it is layd out, to lay out & dispose of particular lotts, not exceeding twenty acres to each howse lott, & to order the prudentiall affaires of the place; at the end of which time other select men shalbe chosen, & appoynted in their roomes, the said select men giueing the survayor such satisfaction for his service as they & he shall agree.

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Timothy Coop being indebted to the country ten pounds, vppon the

forfeiture of a bond in which he stood ingaged for M^r Joh Jarvis, vppon his peř to this Court, it is remitted to 20^s. 1655.

Richard Pooley, being committed to p^rson for having a hand in convey-
ing away of Hester Lugg, vppon his request to this Court, may be freed from imprisonment, he giuing in bayle to the value of 20^{li} to the keep of the p^rson to answer his řd fact at the next Court of Assistants. 23 May.
Pooley re-leased.

In answer to the peř of Edward Saunders, craving the favours of this Court for the leaving of from his necke his sentenced halter, the Court, having reč some testimony of some good effect his punishment hath p^rduced, doe graunt his request. Saunders request.

The townes of Hampton & Rowley, preferring a peř for & about a high way from M^r Carrs ferry to M^r Clarks farme, are referd for answer till the next session of this Court, & that Newbery deputy giue notice to their towne of the same, that they also may haue liberty to to speake in the case. High way.

M^r Joseph Hills, p^rfering a peř for the repayment of the some of 13^{li} 6^s 8, being imposed on him as a fine about the case respecting M^r Mathewes, & also of aquiting the church of Maldon of the rest, or y^t the pet^r & Leinř Wayt may be forgiuen their offence, & discharged of the two řts of the fowre charged on them, reč this answer: that the Court doth well approue & accept of the petitio^{rs} acknowledgments of their irregular actings in those times, but vnderstanding y^t much, if not most, of the fine being payd for, & y^t the rest is secured, & should long since haue been payd in, the Court doth not thinke meet to graunt the petitiono^{rs} request herein. J. Hills.

At the request of o^r p^rsent honoured Gouverno^r, Joh Endecott, Esq^r, the island called Catta Iland, being about two acors, lying neere to Marble Head, shall & hereby is graunted to him & his heires, for eũ, p^rvided it be not giuen to any towne or p^rson already. Catta Island
given to Gov^r
Endecott.

In answer to the peř of Alice Colcord, liberty is graunted her to review any case, according to her desire, & to recouer any thing justly aptayning to her.

Elizabeth Rider, the wife of Thomas Rider, of *Boston, being left by her husband with fiue small children to mayntayne, & no meanes wherewith all to keepe them, desireing libertie from this Court to sell a howse & land in Dorchester, which her father, W^m Lane, gaue to her & her children, in answer to her request, it is ordred, that the select men of the towne of Boston shall & haue powre to dispose of y^e řd howse & land, either by sale, morgage, or otherwise, as they shall judge meet, for the vse of the petitio^r, which this Court doth hereby confirme & allow. Elizabeth
Rider.
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Whereas M^r Nathaniel Edwards, about 18 moths agoe, did suddenly dy

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vppon his returne from Barbados, & y^t an administration was graunted vnto Mr Joseph Hills, of Malden, of the estate of the s^d Mr Edwards, vnto whom for his funerall & otherwise there is something due, as also to Mr Theodor Atkinson, Mr Nathaniel Williams, Mr Broughton, & others, out of the s^d estate, which, if they should be issued by sute of law, might be troublesome to Courts, & shortening the estate, to y^e loss & dammage of the creditors, it is therefore ordred by this Court, that all such debts as affore^sd & otherwise that shalbe made to appeare vnto the Magistrates of Boston or Charlstowne Court, & by them be allowed of to be truly due out of the estate of y^e s^d Mr Edwards, shalbe satisfied as far as the estate will extend, without sute in law.

Stephen Day, of Cambridg, p^rfering a petition for the recording of 300 acors of land formerly giuen him, as he affirmes will be made good by suffeycent testimony, the Court, in answer to his request, thinkes meet to graunt that it shalbe recorded.

Mr W^m Aubery havinge vsed some reproachfull speeches concerninge the Gen^l Court, it was ordered, that the s^d Aubery should be seuerely reprovoued in open Court, & make a publicke acknowledgment of his reproachfull speeches, or be bound to the good behavio^r dureing the Courts pleasure, which he p^rformed accordingly.

In answer to the pe^t of Mr Brian Pendleton, respecting the estate of John Wooton, now in the hands of Mr Tucker, the Court doth order & declare, that he hath full power from this Court the last yeare to act in the p^rmisses, & expected an inventory of the estate to be brought in to this Court accordingly, & therefore expect the petition^r should p^rceede according to an ordinary course of law for the accomplishments of this Courts order in the case.

In answer to the desires of the inhabitants of Shawshin, requesting i^mmunities & freedoms from all publicke rates & charges at Cambridge, & that all the land at that place, as well those apteyning to the p^rsent inhabitants of Cambridge as those graunted them by the Court, might belong intirelye to y^t place, for the better encouragment & carying on of *publicke charges that will necessarily there fall out, we, whose names are herevnder written, being impowred by the inhabitants of Cambridge, at a publicke meeting of the towne the 29th Jan: 1654, to make such p^rpositions & conclusions therein as to vs might seeme most meete & equall, doe make these followinge p^rpositions, with reference to the compliance of the aboue named inhabitants of Shawshin, aboue men^cō^d, & the approbation of the Gen^l Court for the full conclusion thereof.

1. That all the lands belonging to that place, called by the name of

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Shawshin, with its apurtenances, or later graunts made by the Gen^l Court, as well those the ppriety & peculiar right whereof belongs to any p^ticular pson, as those graunted by the towne or chh of Cambridge to that place for a townshipp, as also those giuen by the inhabitants of Cambridge for the furtherance & encouragment of a plantation there, shalbe one intire townshipp or plantation alwayes freed & acquitted from all manner com^on charges & rates, of what nature or kind soeuer, due or belonging of right to be payd vnto Cambridge, by vertue of any graunt of y^t place made vnto them by the Gen^l Court.

2^{ly}. That whensoever any of the inhabitants of Cambridge, their heirs or assignes, whether in y^t place or elsewhere, shall make any improuement of their lands aboue p^rmisid, more or less, by fencing, building, or breaking vp or mowing of the meddowes, euery such pson shall pay to the com^on charges of y^t place, viz^t, Shawshin, suteable to his or their improuement of the affore^sd kind, in due p^rportion with the rest of the inhabitants in that place, the whole estate & improuement of the place being layd at an equall & p^rportionable rate.

3^{ly}. That the inhabitants of Shawshin shall, at all time & times hereafter, for euer, aquit & discharge the inhabitants of Cambridge from all common charges, rates & dues, duties & incumbrances, by any manner of wayes or meanes, due by them, to be payd, executed, or p^rformed by vertue of their intrest in that place, giuen vnto them by the graunt of the Gen^l Court.

4^{ly}. That whensoever any of the inhabit^{ts} of Cambridge shall alienat their p^rsent intrests in any of the aboue named lands from themselues & heires, then the s^d lands shall in all respects be lyable to common charges of that place, as though those p^ticular psons had had their graunts thereof made them from the s^d towne or plantation of Shawshin.

5^{ly}. That no pson or psons which either haue had or hereafter shall haue any lott or allottment granted *them in the aboue townshipp of Shawshin, in case they make not improuement therof by building & fenceinge, especially the howse lott, shall haue any power to make any sale or gift thereof to any other pson, but such lands & allottments shall returne agayne to the towne of Shawshin; & in case, after such improuement, any pson shall then remoue, to the deserting & leauing their brethren & neibours that haue adventured, by their encouragment, to settle there with them, no such pson or psons, for seuen yeares next ensueinge the confirmation hereof, shall haue power to make either sale, gift, or any alienation thereof to any pson or psons whatsoever, save only vnto such as the greater p^rt of the inhabitants then resident at Shawshin shall consent vnto & approue off.

Lastly, that in case any greiuaunce shall hereafter happen to arise, which for the p^rsent neither side foresee, nor is hereby clearly determined, that then all such matters of greiuaunce or difference shalbe from time to time

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heard & determined by meet psons, three or five, indifferently chosen by the prudentiall men of Cambridge & Shawshin; & these afforenamed ppositions to be subscribed by all the p̄sent inhabitants of Shawshin, & by all such as shall hereafter haue any allotments graunted them there, & returne hereof made to the inhabitants of Cambridge, within ten dayes after the end of the first session of the next Gen^l Court. Giuen vnder o^r hands, the 17th of 12th moth, 1654.

By vs,

HENRY DUNSTER,
RICHARD CHAMPNEY,
EDWARD GOFFE,
JOH: BRIDGE.

These ppositions afforementioned are accepted of & consented to by vs, the p̄sent inhabitants of Shawshin, & we doe humbly craue this honord Court, now assembled at Boston, to confirme & record the same.

Yo^r humble serv^{ts},

RALPH HILL, Senior,
JOH: STERNE,
GEO: FARLEY,
JAMES PARKER,
JONATHAN DANFORTH,
HENRY JEFTS,
ROB^t PARKER,
W^m FRENCH,
W^m PATTIN,
RALPH HILL, Juⁿ,
JOH: CROE,
W^m CHAMBERLINE,
JOH: PARKER.

The Court doth hereby confirme the affor^sd ppositions, according to the desire of those who are concernd herein.

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M^r Cleues
answ.

[Pages *467—*471 are blank.]

* In answer to the ppositions p̄sented to this Court by M^r George Cleues, employed by se^uall inhabitants of the northerne p̄ts of o^r patent, p̄tended by them to be the province of Lygonia, the Court, havinge considered & compar'd the patents p̄duced by M^r Cleues wth o^r owne, doe find ours to haue the p̄cedency, & so consequently the land in dispute to be o^r proper right by

patent, lying & being scituã within 3 miles to the northward of the most northerly p̃t of Merimack Riuer; the bounds graunted vs by patent, as may appeare by the originall, a copie whereof we haue deliuered, according to the desires of the s̃d inhabitants, to M^r Cleeues, together with the testimonies of the survayers of the most northerly p̃t of Merimacke, & also of those y^t observed the p̃alell latitude vpon the sea coast, in or neere vnto the Bay of Casco, the search whereof, though deffered for some yeares, cannot p̃judice o^r right when knowne, nor strengthen the title ^ others, becaũe we did not in p̃ticular challenge the vttmost of o^r bounds, which we could not in modestie doe till we had thereof some assureance, though o^r generall clayme hath bin constantly from the first to three miles northward of the most northerly p̃t of the s̃d riuer, in length & longitude, through the mayne land, from the easterne sea to the sea on the west; & therefor all graunts, orders, or combinations, to, concerning, or of any p̃sons wthin the s̃d lymitts, are invallid, null, & of no force or obligation vpon y^e conscience of any; nor is there any feare of imputation vppon y^t account. How fayrely we haue demeaned o^rselues to all o^r neighbours, in all o^r references & concernments, we leaue to them to testefie as they see cause; how, since we haue knowne o^r lymitts, we haue ffrienly declared o^r right to y^e inhabitants of those p̃ts, hath bin to their content & approbation: neither was threatening euer objected to vs till now, too soone, because too vnjustly, vppon those y^t are innocent: we haue & doe modestly demaund o^r right, & cannot accept of a denyall from those y^t ought to yeeld it, nor consent to any forbearance thereof, becaũe we haue no doubt therein, & find that thereby we doe but furnish others to object agaynst vs. We haue not endeoured to infringe the liberties of the planters of those lands, but haue offered them the same wth o^rselues; nor to nourish or ease o^rselues by taxing of their estates, to ease o^r selues; we expect no more then what they formerly did, viz^t, bear their own charges; nor doe we seeke to put vpon them y^t which we o^rselues would count vnequall, viz^t, to subject to such lawes *and constitutions, made by others wthout their consent, it being the portion of most of o^r p̃sent inhabitants, as of the subjects of most countreyes, to be in no other capacitie; the constitutions of gouernment & now modell of lawes not being made in euery age of men, or vpon the ariuall of new com̃ers to a colonye: if, therefore, the s̃d inhabitants shall endeavour to p̃vent vs in o^r just rights, we must p̃fess agaynst their p̃ceedings as vnjust, & shall advise o^rselues to take such course as shall evidence o^r desires to aquite o^r selues honestly before God & men.

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In the case of Thomas Kemble & Thomas Jenner ag^t John Pearce, for taking & detayning their vessell & goods, which were taken at Kinnibecke, Kembell & Jenner.

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after the hearing of the evidences, the Court declares, that at p̄sent they see no cause to determine it, but referre the playntifes to p̄seque their right & intrests before his highnes the L^d Protector, in England, by way of complaynt or petition, as they shall see cause.

Breks answ.

Edward Breeks, beinge vnder a fine of fowre pounds for refusing to serue in the office of a cunstable, p̄ferd a peṭ for the abatment of his s̄d fine, which the Court saw no reason to graunt.

Vpon the peṭ of Jane Hawkins, libertie is graunted her to come into this jurisdiction for two moneths to transport herselfe for England, & when shee is here, if shee giue satisfaction to the County Court for the offence giuen by her to the Gen^l Court, that then the s̄d petition^r to haue libtie to liue & remayne here.

Rices answ.

In answer to the peṭ of Edmond Rice, for a p̄cell of land neere the path leading to Conectecott, the Court referrs it to the next Generall Court for a further answer, & in the meane time doe appoynt Leiu^t Goodnow & Walter Haynes to view the land, & accordingly to make report to the next Court of Election.

Prices of corne.

It is ordered by this Court, that the rate for this yeare, wth the addition of one quarter p̄t, be payd in wheat & barlie, att 4^s 6^d, pease at 4^s, rye at 3^s 6^d, & Indian at two shillings six pence p bushell, & that one halfe of the rate be payd in wheat, barlie, or pease, & y^t Indian be payd in the tenth moth.

Cheeslyes costs.

Phillip Cheestly being a wittness agaynst Richard Nason, his bill of costs of two pounds sixteene shillings is allowed by this Court.

Comission^{rs} to giue oath.

Cap^t Joshua Hubbard & the other two comission^{rs} to end small causes are hereby empowred to take the cunstabes of Hingham oath for this yeare, making a retorne thereof into the County Court at Boston.

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Capt. Norton.

*Att the request of the military company of Charlestowne, Cap^t Francis Norton is allowed & confirmed to be their captayne.

Dexters answ.

In answer to the peṭ of Richard Dexter & Job Lane, humbly craueing the remittment of their seṭall bonds forfeiture, being fīue pounds apeece, for y^t they brought not Alce Muzey before the last County Court, to answer for seuerall thinges y^t were layd ag^t her, its ordered, that the petition^{rs} haue their bonds remitted to 20^s apeece, p̄vided the petition^{rs} bring the s̄d Alce before the Gouverno^r or Dep^t Gouverno^r, wthin six dayes.

Mr Lakes answ.

In answer to the peṭ of M^r Thō Lake, in the behalfe of himselfe & p̄no^{rs}, for a deuision of the land at Squamscot & Douer, it is ordered, that M^r W^m Bartholomew, M^r Samuel Winslow, & M^r Samuel Hall are hereby appoynted & empowred as a comittee to goe to Squamscott, & according to the pattents thereof & this order, to make a just deuision of that of Squamscott only, &

that which hath reference to Douer be respited vntill another time, makinge a
returne of what they doe to the Court of Election for confirmation. 1655.

James Rose, being now in prison for abusing his master, John Ruddocke,
vpon his petition, & promise of reformation, hath libertie to goe home to his sd
master agayne. 23 May.
Roses answ.

Vpon the request of the inhabitants of Charlestowne, Mr Richard
Russell, Ralph Mowsall, & Thomas Lynd are appoynted as comissioners to
end small causes there, according to law. Charlst.
comissnrs.

In answer to the peñ of John Heydon, of Brauntry, the Court thinkes
meet to allow him five pounds for this present yeare, towards the releife of his
distracted sonne, out of their country rate. Heydon's an-
swer.

Att the request of the towne of Hampton, by their deputie, it is ordered,
that they shall haue a markett there one day in euery weeke, viz^t, on the fifth
day, which is their lecture day. Hampton mar-
kett.

In answer to the peñ of Richard Hitchcock, of Saco, a hearinge of the
case is graunted, betweene Thō Warnar & him, about the graunting of a hugh
& cry. Hitchcocks
case.

Whereas there hath bin a diffrence between Hampton & Salisbury, about
ruining of the line betwixt them, according to the returne, it is therefore
ordered, that Mr Edward Woodman & Mathew Boyce are appoynted a
comitte & impowred to goe on the place, & determine the way of explana-
tion, where the direct line shall run betwixt them, & what shalbe done by
them, or any two of them, to be returned vnder their hands to this Court in
May next, w^{ch} shalbe a finall issue betweene them. Hamptō
bounds.

*Forasmuch as this Court is informed there is some witnesses in Cal-
cords case that were not allowed their charges, it is ordered, that it shalbe in
the libertie of Salisbury Court to satisfie such witnesses charges out of the
fowre pounds thirteen shillings, in Mr Stanions hands, as a fine to the country,
which yet is not payd in. [*475.]
Wittnesses
payd.

The Court, having read & heard the seuerall testimonies brought in ag^t
the Indian mayd, who is brought hither for killing of another mayd, doe not
find her guilty of wilfull murther, so as by o^r law she ought to dy, yet notwith-
standing for such a great misdemeano^r, & for terror to others, to p^{re}uent the
like practises for the time to come, doe judg that shee should be whipt with
ten stripes. Indian pun-
ished.

The question propounded is, whether, that the magistrates being now
mett, it be judged to be a legall Gen^l Court: the Court resolued in the
affirma^t. 24: 8, 55. 24 October.
Quest.

Whereas there hath bin a difference between Rowley and Newbery, about
Rowley
bounds.

1655.

24 October.

ruining the line betwixt them, according to graunts from Newbery, it is therefore ordered by this Court, with the consent of the ^, & Cap^t Gerish & M^r Woodmā, of Newbery, that Deacon Whiple, of Ipswich, M^r Hall, of Salsbury, & Ensigne Howlet shalbe a co^mittee, who are hereby impowred to goe on the place, & view the same, & to settle & determine where the line shall run betwixt them, & what any two of them shall vnder their hands determine shalbe a finall issue betweene them, makeing returne thereof to the next Court of Election, to be recorded.

Michelsons
answ.

In answer to the pe^t of Edward Mitchelson, the Court thinkes meet to confirme the law made in 53, about strong waters, for two yeares more.

Dills ans.

In answer to the pe^t of Abigail, the wife of Georg Dill, lately deceased, the Court orders the widdow be allowed one third p^t of her lat husbands estate, both reall & p^{er}sonall, & the rest to be devided betweene the children, shee giueing in securitie to the Countie Court, according to law, for the same.

Cambridg
co^mittee.

There having bin heretofore a co^mittee appoynted to heare some diffrences between the inhabitants of Cambridge & som farmes on the south side of the riuier, of which M^r Nowell was one, who is now dead, & Cap^t Johnson another, who is somthing intressed in the busines, the Court orders Major ^.

[*476.]

*Major Willard & some others of Concord, p^{re}senting a peti^on to this Court for liberty to make sale of an howse & land, left to some orphans in that town, hath his pe^t graunted, & the s^d sale confirmed, p^{ro}vided securitie be taken, that the s^d orphans may haue that which it is sold for, when they shall come to age.

[The following pages, misplaced in the volume of original records, are here restored to their proper place in chronological order. The portion that contains the earliest records of the year 1656 has no other date given than the year; but by comparison with the fourth volume, which contains the records of the General Court, the session is ascertained to be that held in May.]

1656.

1656.

May.

[*164.]

Supply of
clothinge.
Spinning rec-
ommended for
all hands to be
employed in.

*THIS Court takeinge into serious considera^on the p^{re}sent straights & necessities of the country in respect of clothing, which is not like to be so plentifully supplied from foraigne p^{ar}ts as in times past, & not knowing any better way or meanes conduceable to o^r subsistance then the improueing as many hands as may be in spinninge woole, cotten, flax, &c, it is therefore ordred by this Court & the authoritie thereof, that all hands not necessarily employd on other occa-

sions, as woemen, girles, & boyes, shall, & hereby are, enjoyned to spin according to their skill & abillitie ; & that the select men in euery towne doe consider the condition & capacitie of euery familie, & accordingly to assess them, as one or more spinners. And because seuerall families are necessarily imployed the greatest pt of their time in other busines, yet, if opptunities were attended, some time might be spared, at least by some of them, for this worke, the sd select men shall therefore assess such families at halfe or a quarter of a spinner, according to their capacities. 2^y. & that euery one thus assessed for a whole spinner doe, after this p^sent year, 1656, spin, for 30 weekes euery yeare, 3 pound p weeke of lining, cotten, or wooling, & so proportionably for halfe or quarter spinners, vnder the p^enalty of 12^d for euery pound short ; & the select men shall take speciall care for the execution of this order, which may easily be effected by deviding those seuerall townes into 10, 6, 5, to take an account of their de- vision, & to certifie the select men, if any are defectiue in what they are assessed, who shall improue the fore^sd p^enaltyes imposed vpon such as are negligent, for the encouragm^t of those that are diligent in their labour. And it is further ordred, that the select men in all townes within this jurisdiction shall haue power to make such orders in their respectiue townes for the clearing of commons for keeping of sheep, as also for the time of puting rams to their flockes, as they shall judg meet ; & it is hereby ordred, that the depu^ts of the seuerall townes impt the mynd of this Court to their inhabitants, concerning the soweing of seeds, both of hemp & flax.

*For the better ordering & settleing of seuerall cases in the military companies within this jurisdiction, which, vpon experience, are found either wanting or inconvenient, it is ordered & declared by this Court & the authoritie thereof, that henceforth no negroes or Indians, although servants to the English, shalbe armed or pmitted to trayne, & y^t no other pson shalbe exempted from trayning but such as some law doth priuiledge, or some of the County Courts, or Courts of Assistants, after notice of the ptyes desires, to the officers of each company to which they belonge, vpon just cause, shal dismiss. 2^y. It is further ordered & declared to be the mynd of this Court, in election of military officers, that henceforth none but householders, freemen, & such as are already listed, having taken the oath of fidelity before the date hereof, shall have liberty of vote ; & whereas this Court hath made sefall orders concerning the pcedency of captaynes & their companies, none of which sd orders doth reach the case of the fower companies of Boston, being of equall standing, this Court doth therefore order, in reference to them, that their precedency shalbe for the p^sent, & from time to time hereafter, according to the prioritie of their comissions. 4th. It is ordered by this Court, that no

1656.

May.

[*165.]

Militia settled.
Indians or negroes not to train.

Military regulations.

1656.

May.

troop within this jurisdiction shall exceed the number of 70 listed souldiers, who shall all be furnished according as the lawes doe pvide; & it is expected that the captaynes of the sd troops respectiue, & the major of the regiments & major gen^l, doe, in their respectiue charges, take care that the orders concerning troops be duely executed; & be^c some troops, liueing remote, doe often avoyd the penaltyes of the lawes by reason of the intolerable burthen put vpon the clarks to demaund & levie the same, its therefore hereby ordered, that the clarkes of the troops, for their charges & travill in levying of all fines, shalbe allowed the fees of y^e marshall, to be by him levyed & distrayned, together wth the fines, pvided no distress be made wthin one moth after the offence, that the p^tyes may haue lib^ty to plead their excuses to the officers: and it is further ordred, that no troop shalbe drawne out of the countyes by the cap^ts officers thereof vpon any occasion or p^tence whatsoever, nor for exercise only, or at the regimentall meetings, but by order from the major gen^l, & by his com^aund. *And for explanation of that p^ticular in the law respecting troops, made in the 3d moth, 1648, for free com^anage for their horses in any of the towne com^ans where they inhabite, it is declared by this Court, that it is not, nor shalbe, vnderstood or intended of such commons as are apropiated to p^ticular p^{so}ns, vnles it be in time of exercise only; provided that such appropriated com^ans be valued & rated in the aⁿuall assessment, as all other reall & p^{so}nall estate is. 7^{ly}. & for a more constant supply of a com^aon stock of powder & a^munition, it is ordered, that the surveyor gen^l shall yearly giue an account to the councell of the sd stocke, that accordingly the Gen^l Court, being by them informed, may, out of the publicke treasure, make a constant supply, according to the need of the country.

[*166.]

Law on com-
mons ex-
plained.Surveyor gen-
eral to inspect
powder.Horses to In-
dians not to be
sold.

Whereas this Court from time to time hath bin carefull to restrayne the abuse of a^munition & thinges of like nature from the Indians, whereby they may disturb o^r peace & saftie, to p^{re}vent what evill may ensue, doe further order, that no p^{so}n, on any p^tence whatsoever, shall sell or any wayes dispose of any horse, mare, or colt, to any Indian, on p^oenalty of one hundred pounds, & that this law shalbe of force, pvided that the rest of the Vnited Colonies shall establish lawes to restrayne their inhabitants on like p^oenalty.

Com^{mi}ssion^{rs} to
marry.

It is ordered by this Court, that from henceforth any one of the three com^{mi}ssion^{rs} for the ending small causes in the seuerall townes where no magis- trate dwells, shall & hereby are authorized & empowred to solemnize mariag be- tweene p^tyes legally published, pvided two of the sd com^{mi}ssion^{rs} be p^{re}sent, & all other com^{mi}ssions in this case are hereby made voyd.

Treasurers
choyce.

Vpon observation of some inconveniences, & for easeinge the country re- spectinge the choyce of county Treasurers, it is ordered by this Court & the

authoritie thereof, that after this p̄sent yeare the choyce of county Treasurers, in each towne, shalbe made vpon the day of their giueing in votes for magistrates, & sent by the same p̄son to their shire meeting, & there be opened & signified to the severall townes who is chosen; any thinge in the former law to the contrary notwithstanding; p̄vided, that no clarke or recorder of any County Court shalbe chosen Treasurer for the county.

1656.

May.
County Treasurer chosen.

*It is ordered by this Court & authoritie thereof, that it shalbe in the power of euery County Court to make vse of such prison as is at p̄sent erected in their county for a howse of correction till the howses of correction be finished; & also to appoynt & authorize the keeper or some other meet p̄son to be master of that howse, as they shall thinke good; and that the select men of the towne where such howse is appoynted shall haue liberty & power to procure, in a vulluntary & prudent way, some competent stocke of hempe, flax, or other materialls, & vpon account to committ the same into the hands of the master of the howse, to be imployd at his discretion by the labours of such delinquents as shall from time to time be committed to him by authoritie; and that the stocke being in value or kind p̄serued to such as put in the same, all the benefitt atayned by the labour of the p̄sons committed shalbe to the vse of the master, allowinge only so much as will keepe the delinquent with necessary bread & water, or other meane food, out of the same, as 4^d out of the shillinge earned by his or her labour; and that, at the first cominge into the howse, the master of the correction howse himselfe, or whom he shall p̄cure, or, in want of a fit p̄son, the com̄on corrector, in allowance by the Court, residinge in the towne, shall whipp the delinquent not exceedinge ten stripes; and after that he shall imploy him or her by dayly stint, & if he or shee be stoborne, disorderly, or idle, & not p̄forme their taske, & that in good condition, it shalbe in the masters power to abridge them of part of their vsuall food, or giue them meet correction, as the case shall require, from time to tyme. It shalbe also in the power of one magistrate to committ idle p̄sons, stuborne p̄sons agaynst them that haue authoritie over them, runawayes, common drunkards, pilferers, common night walkers, & wanton p̄sons, as tending to vn-cleanes in speeches or actions, & the like. And it shall not be in the power of the master to deliuer out of prison any delinquent, vnles he hath a discharg or warrent vnder the hand of a magistrate; & if the delinquent be com̄itted by the Court, not to be deliuered but by order of the Court, or vnder the hands of the greater p̄t of the members of the Court between Courts. And euery County Court where such howse is in beinge are desired to consider & ppound to this Court, either for the benefitt of the master or of the imploym^t

[*167.]

House of correction.

House of correction.

1656.

May.

[*168.]

Pvisio for salt.
Salt manufac-
tory.

of this howse, what may incourage or further the same. This order not to be in force after one yeare from the date hereof.

*This Court takeinge into considera^o the vncertaynty of pcureing salt amongst vs for o^r necessary vses, & what salt hath bin of late gotten hath bin at very deare rates, & whereas M^r John Winthrop pfereth to make salt for the colonie after a new way, never before devised or practised, & desireth that none other may make salt within this jurisdiction for the space of 21 yeares after his manner, w^{ch} none before hath knowne or vsed, & that he may haue that privileged graunted him by this Court, this Gen^l Court therefore doth hereby graunt vnto the s^d M^r John Winthrop the privileged of makeing salt after his new way within this jurisdiction, & that none other dureing the s^d terme shall make salt after his manner without the s^d M^r Winthrops speciall licence.

Springfeild
rates.

Forasmuch as the townes of Springfield & Northampton are so remote that the Treasurer cannot send forth his warrents to them, as is pvided by the law, Charges pu^b, pag 9, it is therefore ordered by this Court & the authoritie thereof, that the constables of the s^d townes from time to time shall call together their inhabitants in each towne, who shall assess their inhabitants, & pay in the same according to law, vnles at such time or times as the Treasurer shall send them warrents, as the former law provides, then to make their assessm^{ts} accordingly.

Treasurers acc^o
audited.
Treasurer acc^o.

Its ordered by this Court, that Cap^t Daniel Gookin, Cap^t Francis Norton, Cap^t Thomas Clarke, & the surveyo^r gen^l shalbe a co^mittee to take the Treasurers acc^o, & to make returne thereof to the next session of this Court.

Salsburys
answ.

In answer to the petition of seuerall of the inhabitants of Salsbury, complayninge & desireinge releife in resect of their jury mens expenses, it is ordered, that if in time to come there shalbe ground of complaynt of this nature, that they, vpon request to the County Court, should, in respect of their necessary expences, be allowed it out of the county treasury, by vertue of the late law for county Treasurers.

Holmans
answ.

In answer to the pe^t of John Holman, of Dorchester, desireinge to haue his fathers will made voyd, this Court referrs it to the next County Court for Suffolk, to be heard, both p^tyes & wittnesses, & if it appeare to the s^d Court, vpon hearinge the case, that there is just reason to make null or alter the will of the petitiono^r father, then the s^d Court to state *the case, & report the grounds thereof to the next session of this Court; but if the contrary appear to the s^d Court, viz^t, that the will ought to remayne in force, & the petio^rs not to make any further trouble, & in that case, also, the s^d Court to giue reasons to this Court why they apphend the will ought to stand in force, &

[*169.]

also that securitie be forthwith taken by the secretary to the value of one hundred pounds, vpon the estat of Mr John Holman, deceased, to be responsall for what this Court shall determine & conclude herein vpon information from the County Court.

1656.

May.

In answer to the petition of Mr Symond Lynd, liberty is granted him to try the tytle of lands, or the case in his pet^r men^coed, at the County Court, any thinge in the law to the contrary notwithstandinge.

Lynds answ

Vpon the request of the farmers of the impost of wines, who alceage great losses already sustayned thereby, it is hereby graunted, that they be henceforth discharged of the agreement made with the country respectinge the same, & the officer to receiue the impost shalbe the County Treasurer.

Farmers of
impost dis-
charged.

In answer to the petition of Nicholas White, the Court apphending that the petition^r hath had much wronge & damage in beinge outed of his land by Mr Hutchenson, whereof [^] was possessed, & wherevnto, as it doth appeare, he had just tytle, the Court therefore doth judge, that he ought to seeke reparation legally at the hands of his disturbers, & that the Gen^l Court order, dated May 24th, 1655, respectinge this case, be & remayne in full force.

Whites answ.

This Court haueinge made an order in the 8th moth, 1652, wherein Mr John Clarke was to haue ten shillings of euery family that should make vse of his in-vention for saueinge of fire-wood & warminge of howses, which sd order was only for the terme of three yeares, which is now expired, vpon a motion made to this Court in his behalfe, this Court thinkes meet to confirme the sd order for the terme of his life.

Mr Clarkes mo-
nopolie.

Its ordered, that Charlstowne Court be adjourned to the 29th day of June next, & this order to be posted on the vsuall places at Charlstowne & Boston.

Court ad-
journed.

Its ordered by this Court, that Major Atherton, the survey^r gen^l, & Cap^t Dauenport shalbe a comⁱtee, & are hereby impowred to finish the worke at the Castle, & to p^rvide ladells, spunges, cariages, &c, at the cuntries charge, & that the cap^t of the Castle haue a comⁱssion giuen, accordinge to the teno^r of his former comⁱssion, that he, wth the p^rsent garison, goe on wth the cuntries affayres at the Castle, till the next session of this Court.

Castle comⁱ-
tec.

*Att the request [^] o^r p^rsent honord Gouⁿo^r, Ensigne Howlett & Lieu^t Howard are appoynted to lay out the land formerly graunted him vpon Ipswich Riuer.

[* 170.]

Gouⁿo^r, land,
&c.

In answer to the petition of Barnabas Fawers executo^{rs}, & ou^sseers of his last will & testament, liberty is graunted for a deuision of the estate which the sd testator left to his wife & sonne Eliazur, & that the howse, prised at 180^{li}, shalbe estated on his sd son, & the other howse, prised at 40^{li}, shalbe estated

Fawers will
ord :

1656.

May.

Smyth, fine
abated.Wheler, &c.,
satisfyed.Questio re-
solved.Yorke, &c.,
bounds.

[*171.]

on John Johnson, husband of Grace Fawer, the late wife of the foreſd Barnabas, & that the rest of the estate be equally devided so as to make the two whole p̄ts equall between the mother & the son, accordinge to the will.

John Smyth, of Charlstowne, beinge vnder a fine for selling of stronge waters, vpon his request to this Court, hath his fine remitted to ten shillings, p̄vided it be payd in to the countie Treasurer vpon notice hereof.

Joseph Wheller & Thomas Hincksman beinge imployd by the country to find out those that sold powder, shott, & strong liquors to the Indians, are allowed for their charges so much as will make vp what hath bin formerly graunted them, six pounds & two shillings.

In answer to a question p̄pounded by a member of the Court, vizt, whether he that serueth as a deputye the whole yeare, though called thereto from session to session, hath not the same benefitt of law as he that is chosen at first for the whole yeare, the Court resolves the question in the negatiue.

Whereas it was ordered, by the cōmissiono^{rs} appoynted to take in Yorke & Kettery into the Bay gouern^t, that each towne should make choyce of certayne men amongst themselues to lay out the bounds betwixt the two foreſd townes, according to which order of the foreſd cōmissiono^{rs}, we, whose names are herevnto subscribed, being elected for that purpose, doe, vpon due consideration thereof, mutually agree, pitch, and appoynt the bounds betweene Yorke & Kettery, to begin as followeth, namely: at the head of Brayboat Harbour, which is at the first & loest discent of that fresh brooke which lyeth at the vpper end of the marshes, belonging to the ſd harbour, being in distance about one mile & a halfe from the mouth of the harbour, & from the head of that harbour to run in a streight line to the head of the south west branch of the Riuer of Yorke, being *the next poynt of vpland where the creeke treanes about to the north west, & so run from the ſd poynt of vpland vpō a direct line vnto the south east side of a certayne pond which lyeth betwixt the north west branch of the Riuer of Yorke and Newythawanacke; in confirmation of which afforeſd bounds, we haue herevnto set o^r hands, Decem^b, 14, 1653.

NIC^o SHAPLEIGH,
EDW: RISHWORTH,
ABRAM PREBLE,
NIC^o FROST,
JOH: DAVESE.

Grace Porters
answ.

In the case between Grace Porter & Daniel Smyth, in reference to the

sale of certayne lands, it was agreed vpon, with free consent of both p̄tyes, before the cōmittee for peṯ, that Grace Porter should haue full libertie, with the good will of Daniel Smyth, her son, to dispose of the howse & vpland in question, for the vse & mayntenance, by sale or otherwise, but should not dispose at all of any meddow land that is not already disposed of, which this Court doth approue of.

1656.

May.
G. Porter.

Joseph Jones, of Hingham, vpon his peṯ to this Court, hath his fine, for Jones answ. bartring a gun with an Indian, abated to 30^s.

Richard Nason being bound to the good behavio^r in the svm of 20^{li}, & Geō Dod & Leonard Buttells in 10^{li} apeece, the Court doth not now thinke it a meet time to release him of his bonds.

Mr Elizur Holioko, vpon his request, is dismiss from being a deputy of Mr. Holioko dismiss. this Court both for this & the following sessiō.

In answer to the peṯ of seuerall of the inhabitants of Sudbury, this Court thinks meet to graunt the petition^{ers} a p̄portion of land, of six miles square, or otherwise in some convenient forme equivalent therevnto, at the discretiō of the cōmittee, in the place desired, p̄vided it hinder no former graunt, & that there be a towne setled with twenty or more families within three yeares, so as an able ministry may there be mayntayned, & that Capṯ Eliazur Lusher, Mr Edward Jackson, & Mr Ephraim Child, or any two of them, with the artist mentioned in the peṯ, or ether of them, lay out the bounds thereof, & make returne to the next Court of Election, or else the graunt to be voyd.

Sudburys
answ.

In answer to the petition of the towne of Hampton, for settleinge of the boundes betwixt them & Salsbury, this Court orders, for a more full satisfaction, & p̄venting of further discord between the townes, that the former cōmittee, or any two of them, together wth Mr Dudley, doe agayne consider of the case, & here the alegations of both p̄tyes, & p̄sent a returne with a plat drawne & signed by som artist at the next session of this Court, with their full determinatiō & explanation of the line betwē the s̄d townes, & the charges to be borne by Hamptō only.

Hamptō
bounds.

In answer to the petition of the ouerseers of the children *and estate of Thomas Brigham, for confirmation of the sale of certayne howses & land, left by him to his wife & children, this Court, on p̄vsall of the will of the s̄d Brigham, thinkes meete to graunt the peṯ, p̄vided that the oūseers doe giue security to the County Court, to the vse of the children, for the princypall & effects thereof, as is exprest in the peṯ.

[*172.]

Brighams
oūseers.

It is ordered by this Court, that the child of Mary Davis, borne in the prison, should be p̄vided for by the towne of Watertowne, as also they to bear the charge for the time past, and that they shall hereby haue power to

Davis child.

1656.

May.
Nasons case.

recouer & make vse of any estate which they haue or can find of hers or her husbands, or of the fathers of the child, for the mayntayninge thereof.

Richard Nason, beinge, for som miscariages of his, bound to his good behavior by the last Gen^l Court, & so to contynue dureinge the Courts pleasure, is yet notwthstandinge returned by the constable of Kettery to serue as a deputy to this Court, which the Deputyes doe not thinke meet to accept off. It is therefore ordered by this Court, that the next County Court at Yorke shall enquire after the names of such freemen of Kettery as gaue their votes for the choyce of the s^d Nason to be deputy to this Court, & whom they shall find to be guilty in such respect to pceed with as the law pvides, according to their deserts.

Stones answ.

In answer to the p^t of John Stone, of Sudbury, for confirmation of the purchase of 11 acors of land bought of the Indians, it is ordered, that his p^t be graunted, as also the graunt of fifty acors of land more to be added therevnto, accordinge to his desire, pvided it be not pjudiciall to any pson; & M^r Noyce & M^r Edmund Rice, of Sudbury, are hereby appoynted to lay out the land.

Nebery, &c,
bounds.

Whereas, by an order of the Gen^l Court, October, 1655, we, whose names are vnder written, were appoynted to here & determine the differences betwixt Newbery & Rowley, concerninge their bouds, this is to certifie this hon^d Court that we doe all agree that the lyne formerly run, viz^t, from a white oake, marked, standing vpon the north west side of Eastows Riuer, neere the old path ouer the riuer, the line to run west one mile, as the trees are marked, & from the tree marked at the mile end vpō the line haueing a heap of stones layd there, according to Court order; from thence the line to run north west, as it hath bin layd forth. Thus having heard the pleas *of both townes, we haue thus determined, & subscribed wth o^r hands.

[*173.]

JOH: WHIPPLE,
SAMUEL HALL,
THOMAS HOWLETT.

This retuře was accepted & approued of by the Court.

Groatens
answ.
Free of rates 3
years.

In answer to the p^t of the intended inhabitants of Groaton, it is ordered, that the towne of Groaton be freed from rates for three yeares from the time of their graunt, as is desired; as also that they may employ any knowne artist, in the roome of M^r Danforth, as need shalbe, & that the forme of the towne may a little varie from a due square, according to the discretion of the committee.

Mr Joshua Hues, administrator to the estate of Mr Joshua Foot, deceased, havinge made sale of a warehowse of the sd Mr Foots vnto Mr Henry Shrimpton, which sd warehowse was morgaged to Mr John Johnson, of Roxbury, vpon his request to this Court the sd sale is confirmed & allowed.

1656.

May.
Hues answ.

William Clements, of Cambridge, pfering a peť to be diuorced from his wife, is referrd, for a hearinge & determining of the case, vnto the County Court of Charlstowne, in the next moneth.

W. Clemens.

Deacon Marshall, of Boston, desireinge the graunt of an iland in Quenecotecot Riuer, his petition is not graunted.

D. Marshall
answ.

The late wife & administratrix of David Maddox, of Roxbury, desireinge this Court would confirme the sale of two acors of meddow to Giles Pason, hath her peť graunted; & y^e Court doth also further order, that the howse & land of the sd David Maddox shall stand ingaged for the paym^t of fiteene pounds to David Maddox, the son of David Maddox, deceased, fue pounds whereof was giuen him by the Court, & ten pounds was giuen to his sister, deceased.

Vid. Maddox
answer.

In answer to the peť of the inhabitants of Bilericay, the Court thinkes meet to graunt them eyght thowsand acors of land for the ends desired, in any place or places that are free & not capable of makeing of a towne, pvided the sd lands be layd out together, & that before the next Court of Election, & that the inhabitants of Cambridg doe accept thereof, & disingage the lands desired at Bilericay, & also that the towne of Bilericay be seated, with twenty families at least, within three yeares, that the ordinances of God may be setled & encouraged in the sd place, & y^t Majo^r Willard, Cap^t Edw: Johnson, & Mr Edw: Jackson, or any two of them, with Thō Danforth, or any other surveyo^r appoynted by the Court to lay out the same at the charge of the petiti^on^{rs}, & that returnes be made at the next Court of Election.

Bilericas answ.

*Mr John Alcocke hauing a pcell of land formerly graunted him by this Court not yet layd out, vpon his request Thomas Danforth or Lieut Fisher are hereby appoynted to lay out the same.

[*174.]

Mr Alcocks
pet. answ.

In answer to the peť of Richard Swayne, the Court conceiues that if the petitiono^r haue just ground to implead any man about the land mentioned in his peť, that he may doe it at the County Court; but for the tytle of the land, there having bin so many hearinges & so much expence in this Court about the same, that the Court judgeth that the last act of this Gen^l Court concerninge the same is & shalbe a finall issue thereof, without any more hearing in that respect.

Swayns answ.

Whereas hitherto by appoyntment the County Court of Douer hath began to be kept vpon the last Twesday in June, & the Court for the county of

Court dayes
changed.

1656.

May.

Yorke begins vpon the Thursdy followinge, for the more enlargm^t of time vnto the sd Courts, its ordered, that Douer Court shall begin as before, & the Court for Yorke on the Munday followinge; and it is further ordered, that Cap^t Clarke shalbe assistant with Cap^t Wiggan this yeare to keepe the County Court of Yorkeshire & Douer.

Chelmsfords
answ.

In answer to the pe^t of the inhabitants of Chelmsford for enlargm^t in respect of lands, its ordered, that this pe^t & also that p^t of M^r Eliotts pe^t respecting an enlargm^t of land, vpon conferance with the co^mitte^e who layd out the bounds of Chelmsford, & pvseall of a description of a plott of the sd plantations, & also of the tract of land now by both p^tyes petitioned for, the Court judgeth it meet, & doe order, that the Indian graunt be extended a mile from the north east angle or corner bound of Chelmsford, abutting on Merimacke & Pautuckett eastward, takeing in John Sagamores planting ground & the end of the sd mile to determine the Indian; plantation, and for the rest of the lands on behalfe of both townes now petitioned for, that Chelmsfords south & north line, abutting on Tadmucke, be extended from the northwest angle or corner three miles north, so as it pass not Merimack Riuer, & from thence to run a p^allell line with the east & west line of Chelmsford vntill it meet with Merimacke Riuer, & that the whole track of land so taken in be & remayne in co^munitie vnto the townes of Chelmsford & the Indian towne called Pautuckett for all vses.

Giffords re-
lease.

[*175.]

This Court, on pvseall of a letter directed to the Gouverno^r & councell & Generall Assembly of New England, or who else it may concerne, signed by John Beex, Phebe Frost, Thomas Foley, Joh Pococke, & W^m Greenhill, bearing date 27 Fe^b, *1655, which also was recorded in the Courts day-booke the 21 of May, 1656, the same day on which it was brought & p^sented by M^r Gifford, doe judge meete in answer therevnto, & on their request doe order, that the sd John Gifford shalbe, & is hereby, released & discharged from being any longer a prisoner vpon the judgment of this Court in reference to the sd Beex & company, for which he hath bin & yet is a prisoner, he discharging the charges of the prison.

The returne of Major Willard, Ensigne John Sherman, & Thomas Danforth, whose names are herevnto subscribed, in reference to the order of the Gen^l Court impowreing & requireing y^m to heare & determine the case in difference betweene the brethren & neighbours of Sudbury.

Returne from
Sudbury.

Whereas at the late session of the Gen^l Court, held at Boston, Octo^b, 55, we p^sented a brieve naration of a mayne p^t of the case in difference so farr as

we had then heard the same, with some quæries arising there from, vpon the resolution whereof the issue of the case doth depend, but not obtayninge so much favour of this honord Court accordinge to o^r bounden duty to this Court, requiring vs therevnto, as also the vncomfortable estate of the s^d inhabitants whiles the case remaynes vndetermined, calling earnestly vpon vs to declare o^r apphensions & determinations touching the same, we doe therefore, wth humble submission to the wisdome & authoritie of this honord Court, hereby declare o^r apphensions & determination^l touching the same, as followeth: —

1656.

May.

1. Concerninge the tytyle of lands appropriated to severall inhabitants, accordinge to what informatiō haue bin p^sented vnto vs, we doe not find just cause to make voyd their clayme & intrest concerned therein; & as, concerninge the lands held by the Reuer^d M^r Browne, pastor of the chh there, touching a p^t thereof, some objections haue bin made, & clamorous reports layd ag^t him, we doe not find any just ground for the same, but haveing p^sved the town records, doe app^hend his intrests in such his lands to be good, & doe hereby confirme the same to him & his heires for ever.

2. Concerninge such lands as are reserued in co^mon for feed, whereof we find, touchinge one p^t of the s^d co^mons, by co^mon consent & agreement, the rule for stintinge the same, to be agreed vpon as appears in the Towne Booke, fol^o 27, *as also the bounds of the s^d co^mons therein lymitted, the which we doe hereby ratifie & confirme, together wth the order in the Town Booke, fol^o 58, so far as it respects y^t p^t of the co^mon; and as for the other p^t of the co^mon within the compasse of the fve miles, the rule for stinting the same, we find that hitherto it hath not bin so clearly as could be desired: we doe therefore agree, that the rule for stintinge the same shalbe, with due respect, had as well to such, who, although they brought good estates into the towne, yet are now weakned, havinge improued the same, as also their time & other p^sonall abillities, for the co^mon good of the place, as also with respect had to such whom God hath bin pleased to bless & increase their estates, & thereby are made more able to be vsefull & p^sittable, as well p^sons as estates, for the co^mon good, & stand in more need of enlargm^t of their accommodations then formerly; & for a more cleare rule to direct herein, we doe hereby declare, that it is o^r intent & meaninge that such whose estates are weakned as affore^sd shalbe considered & p^portioned accordinge to their seuerall allotments of meaddowes, which gaue them the right in the other p^t of the co^mons already determined, & such as God hath increased their estates shalbe considered & p^portioned accordinge to the invoice of their estates giuen in for the country rate last past, wthout any respect had

[*176.]

Sudbury matters.

1656.

May.

to their meddowes formerly allotted them; also, we doe hereby declare, that no pson or psons whatsoever shall haue power to giue their vote touching the sd comons but such as haue bin allowed as free inhabitants of the towne, or haue come vpon the right of such as haue bin so allowed, & that in such wise whereby the number of votes may not be increased aboue or beyond the number of such as had their intrest by graunt from the town; also, whereas since o^r last meetinge we find that the records of the Town Book, fol 58, touching this case, hath bin crossed & defaced, & that without a mutuall consent of both ptyes, we doe hereby declare that the sd act was not allowable, & therefore we cannot forbear to leaue o^r testimony agaynst the same; & for the future we doe agree, that the Towne Booke shalbe kept by the recorder of the County Court, vntill there be a lovinge composure, & agreement for former differences, & a mutuall choyce of a fit pson to keepe the same.

[*177.]

*Further, we having had some complaynts made in refference to the tytle of Hugh Griffins land, the objections made beinge considered by vs, we doe hereby declare, that we judge his tytle thereto to be good & valid, according to the transcript thereof in the Town Booke, vnto which declaration the complaynants joyntly concurred & agreed; also we doe hereby declare that such of the inhabitants as entred their contra dicentes agaynst the act made for a rule of devison of the last two mile graunted by the Court, as appears in the Towne Booke, fol 56, shall haue their intrests therein according to estates & psons; also, we doe further declare it to be o^r true meaninge, that euery pson that is an allowed inhabitant in the towne shall haue libty to haue his comonage accordinge to his meaddowes or inuoyce of his estate, at his pleasure, & no pson which haue neither meddow nor is an allowed inhabitant, as is above p^rmised, in case of voteinge, shall haue no power *power* to make any clayme to any comonage.

Sudbury matters further.

SYMON WILLARD,
JOHN SHERMAN,
THOMAS DANFORTH.

15 May.

The Court doth allow & approue of this returne, May 15, 1656.

We whose names are vnder written, the inhabitants of Sudbury, doe hereby testefy o^r full consent & owninge of the aboue written act of the commission^{rs}, with all harty thankes to them for their paynes, faythfullnes, & loue herein exprest, humbly intreating the honord Court will be pleased to

confirme & ratify the same for the pventing of after troubles, & for setting of
peace & truth amongst vs.

1656.

15 May.

ED: BROWNE,
WALTER HAYNE,
JOHN PARMITER,
ED: GOODENOW,
JOH: GROUT,
W^m BROWN,
JOHN PARMITER, Jun^r,
JOHN SMYTH,
PHELEMO: WHALE,
HEN: CURTIS,
PETER NOYCE, Seni^r,
JOHN HAYNE,
PETER NOYCE, Juni^r,
THO: BESSBECH,
JAMES PENDLETON,
JOSIAH HAYNE,
HUGH GRIFFIN,
JANE GOODENOW, Vid.

Whereas this Court is informed of sefall neglects of the inhabitants of Yorkshire in not being furnished with sufficyent armes, powder, &c, as the law requires, there beinge no generall officer at p^sent to call psons for neglecting to an account, it is therefore ordered, that Cap^t Nic^o Shapleigh shall henceforth haue power to call together the cheife officers of each company wthin the s^d county, to examine such abuses & defects as may or shall arise amongst them, & is hereby impowred to act therein as a majo^r may & hath power to doe in the like cases, till the Court take further order herein.

*In the case depending between M^r Th^o Rucke, playn^t, & James Wale, [178.] deffend^t, about the third p^t of a sawmill, sold by the s^d Wale to Edw: Colcord, & by Colcord to the s^d M^r Rucke, the Court, on pyseall of the evidences in the case, doe judge the s^d sales to be illegall, & that the right propriety of the s^d third p^t of the sawmill to be & remayne in the defend^t afforesd; & doe order the s^d Rucke to discharge the charge of the Court for one half day, & pay the defend^t costs, which is the sum of 2^{li} 17 00, as appears by a bill p^sented to this Court.

We, whose names are hereto subscribed, accordinge to an order of the
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Returne from
Squamscott.

1656.

15 May.

Gen^l Court, in Novemb^r, 1655, appoyntinge vs to make a just devision of the pattent of Squamscott, doe thus make o^r returne: When we came to pvse y^e pattent, we found it to extend, for the length of it, from the lower p^t of the Riuer Pascataquah, on the south side of the s^d riuer, vnto the falls of the s^d riuer, at Exetur; & for bredth, along the s^d riuer, 3 miles from the falls of the head lyne, for the breadth of it, which head lyne we run vpon a south east poynt of the compass, which ended three quarters of a mile beyond Aspe Brooke, towards Hampton, about forty pole below the highway, where we marked a gread red oake on fowre sides. 2^y. From the s^d head lyne we measured, for the length, on the northeast poynt of the compass, six miles & a halfe, the which extended to that p^t of the bay neere Wincott Riuer. 3^y. We measured a second cross lyne, for breadth, begining at Squamscott Howse, extending it three miles, vpon the south east poynt, where we did marke sefall 1 pine trees.

The rest of the land belonging to the pattent, about & below the great bay, we vnderstood to be impassable, as to measureinge, by reason of the exceeding thick swamps; but we tooke the best informatiō we might of diuers & sefall inhabitants of the great bay & Strabery Banke, & their reports agreed, viz^t, that from the lower p^t of the bottom of the bay, neere Cap^t Champouns howse, to the riuer, neere the Boyling Rock, or thereabouts, all the neck of land w^hin that lyne, *vnto the little bay, contayninge, as neere as men of best experience can informe, about fowre miles square, being all within the pattent. And whereas, from the easterly p^t of the great bay, beinge a p^t of the riuer, we should haue measured three miles into the land, we find in that place, by credible information, the land so narrow to the seaward that we can allow no more, accordinge to the intent of the pattent, as we vnderstand it, then one mile & halfe, to be run from each poynt of the bottom of the bay, vpon an easterly lyne, into y^e land.

[*179.]

To the matter of service appoynted vnto vs by the Gen^l Court, concern- ing devision of the pattent: we finding the p^sent owners to be of three sorts, or rankes, we haue therefore agreed to make three seuerall devisions; the first devision being eyght shares & one quarter, belonging to M^r Nathaniel Gardener, M^r Thō Lake, & p^tners, we assigne & lay out to them all the land from Bloudy Poynt vnto the Boyling Rock, for breadth, or there abouts; & for length, extendinge to the lower lyne of the middle devision, which is about forty pole from Sandy Poynt, & so the lyne runing southeast three miles into the land, as also the land lying vpon the bottom of the great bay, being or extendinge one mile & halfe from euery p^t of the bottom of the bay, vpon an easterly lyne, into the woods, in which devision of the land & marsh graunted

vnto Douer by the Gen^l Court shalbe & remayne to them for euer, viz^t, the land from Kenyes Creeke to a certayne coue neere the mouth of the great bay, called Hogsty Coue, with all the marsh from y^t place round about the bay, vp to Cotterills Delight, wth fowre hundred acors of vpland, as it is graunted by the Court, bounded, layd out, & possessed by the inhabitants of Dover, wth fifty acors of vpland more, about or neere the great bay, with fifty acors to be layd out & disposed of, by Cap^t Richard Walden, to some of the inhabitants of Dover whom he sees fitt.

1656.

15 May.

The second deuision being eyght shares & one quarter, belonging to Cap^t Thomas Wiggan & partners, who haue purchased & obtayned the same, we assigne & lay out three miles square, begining at a plump of trees standing on a peece of old planting land *about forty pole below Sandy Poynt, & vp the river vpon a streight lyne toward Exetur, the riuier being the bounds of it on the north side, & at each end to run a lyne vpon the south east poynt of the compass, three miles into the land there, to bound it on that side, pvided that Cap^t Tho^s Wiggan pay vnto the *the* other two thirds the sum of sixty six pounds thirteene shillings & fowre pence, accordinge to their shares & proportions, in boards, within six moneths, if demanded, which he is to pay at either of his saw mills in Pascataquack Riuier. To the third deuision, being eyght shares & one quarter, belonging to the Shrewsbury men, to which we assigne & lay out all that land from the vppmost lyne of the middle deuision to the mouth of the creeke called M^r Whelwrights Creeke, & the same to run three miles towards Hampton, vpon a south east lyne; all the land between this line & Exeter Falls, to the full extent of the lyne, to ly to Exeter, being graunted to them by deed of guift by Cap^t Wiggan, sole agent for the company.

[*180.]

SAMUEL WINSLOW,
W^m BARTHOLOMEW,
SAMUEL HALL.

The Court allowes & approues of the returne of ths co^mittee, as is heere exprest.

Propositions to the hono^rd Gen^l Court, the 22th of the 3^d moth, 1656, for settling & fully ending the long contynued differences between the patten-tees of Squanscott & Douer & the neibor towns.

22 May.

1. For the furtherance of the same, Cap^t Thomas Wiggan & Thomas Lake Squamscott. freely surrender & giue vp all their intrest, tytle, & clayme in the lands of the pattent called Winicahanatt, or Hiltons Poynt, vnto the inhabitants of Douer, for euer exceptinge all the lands & howses which the owners improued at

1656. Douer in their planting feilds, which is about sixteen acors, more or less, which remaynes to the sd owners, their heires & assignes, for euer.

22 May.

[*181.] 2. That the Court graunt & giue vnto the third deviſiō of Squamscott, layd out to M^r Nath Gardener, Thomas Lake, & p^{tno}^s of that deviſion, 4125 acors of land, to be layd out to them or their assignes, either *to them together, or to each p^t or share, one thousand acors, there being eyght shares & $\frac{1}{4}$ in that deviſion.

3. That the charge of the deviſion is twenty pounds.

4. Whereas, in the first deviſion layd out to M^r Gardener & Thomas Lake, there is much lands in the possession of Strabery Banke which is still in difference, that the Court will impowre some cōmissiono^{rs} with full power to end all differences whatsoever between the sd town of Strabery Banke & owners, as also between Hampton & them, the sd owners of the first deviſion.

THOMAS WIGGIN,

THOMAS LAKE.

The Court judged meet to accept of the surrender here exprest, & doe graunt what is desired to the gen^l, &c, as is mentioned herein, & doe order that Majo^r W^m Hathorne, M^r W^m Bartholmew, & M^r Samuel Hall shall & hereby are empowered & athorized by the Gen^l Court as commission^{rs} to treat wth the inhabitants of Hampton & Strabery Banke, & on a full hearing to determine & conclude what they judge meet to be giuen by the townes, & accepted of by the psons, & to make theire returne to the next Court who are to be allowed for their paynes at the charge of the p^{tyes}, as the cōmissiono^{rs} shall judge.

Norfolke
jurors.

In answer to a p^{et} p^{sented} by seuerall of the inhabi^t of Norfolke for reliefe in respect of the charge of the jurors of that county, who haue serued the country at their owne costs, it is ordered, that if, in time to come, there shalbe ground of complaynt of this nature, they should, vpon request to the county in respect of their necessary expences, be alowed it out of the county treasury by vertue of the law for county Treasurers.

Coggans answ.

In answ: to the p^{et} of M^r John Coggan for the layinge out of 500 acors of land giuen to M^r Thomas Coytmore, as by the records of Court doth appeare, & that within the bounds of Wooburne, & to be set out by the Court, vnles the p^{tyes} doe agree. It is therefore ordered, that M^r Thō Danforth, or John Sherman, with M^r Edward Collins & Cap^t Edw: Johnson, be hereby ap^{oynted} to lay out the sd lands, according to the graunt, to the vse of the heires of M^r Thō Coytmore, & that at the charge of the p^{et} vntill the right heir be determined, & to make returne to the Court in October next.

There being seuerall townes within this iurisdiction defectiue in not sendinge in their proxies for nomination of magist^{rs}, *and the Court, finding the law that puides agaynst such defects is not so clearly exprest as were to be desired, doe therefore order, that the secritary, after this session, shall returne the names of the townes y^t haue bin defectiue in each county, to the clarke of each County Court, who is hereby required to summon the sefall townes to send some meet pson to the next County Court to answ: in their behalfe, who shall haue power to impose such fines on such as shall appeare delinquents as the law pvides, or they shall judg meet.

1656.

22 May.

[*182.]

Towne proxies.

Capt James Oliver hauing sold vnto Majo^r Atherton & the surveyo^r gen^{ll} 20 barrells of powder, for country pay, & at a very reasonable rate, which, by reason of the scarcitie of powder that yeare, he was enforced at a deare rate to make good his bargan, whereby he was a great looser, which this Court having considered of, thinke meete to allow him ten pounds towards his loss.

Capt. Olivers allowance.

Att the request of M^r Bradstreet, it is ordred, that M^r Edw: Jackson, M^r Thō Danforth, & Lieu^t Fisher, or any two of them, shall hereby be authorized to lay out 800 acors of land graunted him beyond Dedham, neere Capt Keanes farme, &c, in one, two, or three pcells, as the place is capable of, they being so many distinct graunts of debt, & not of free guift.

M^r Broadstreets land.

Jane Hawkins & her sons pfering a pet for her returne into this jurisdiction, her sd pet is not graunted.

Hawkins answ.

In answer to sefall petitions pferd by Georg Halsell & his wife respecting her diuorce, the Court thinkes meet to referre the examination & finall determination of this case vnto the Court of Assistants, to whom properly it doth belonge; & it is hereby ordered, that the sd Joan Halsell shall haue liberty to goe to the publicke meetings, or elsewhere, without interuption from the sd George, or if the sd Georg shall any wayes molest her till the case be issued, he shallbe committed to p^rson till he giue bond to the Goū^r, or Dep^t Goū^r, for his good behavio^r; & it shalbe lawfull for any inhabitant, on sight of any disturbance, to rescue her out of his hand, & convent him before authoritie to be comitted to p^rson.

Halswells answ.

In answer to the pet of M^r Richard Du^mer, crauinge an allowance of land for seuentie three pounds by him giuen long since for the countryes vse, by the appoyntment of the Court in the yeares 1637 & 1639, this Court, *this Court, in consideration thereof, doth graunt the pet^r eyght hundred acors of land in any place that is free from form^l grants, & not pjudiciall to a plantation, pvided it be layd out & bounded, & returne made by some survayo^r, wthin one yeare.

M^r Du^mers answ.

[*183.]

George Bunker & Edw: Burk, administrators to the estate of Augustine Bunkers answ.

1656.

22 May.

Walker, deceased, havinge made sale of one howse & halfe an acor of land vnto John Trumble, & two acors of land vnto Samuel Carter, & p̄fering a peñ to this Court for the confirmation of the s̄d sales, hath their peñ graunted, p̄vided the s̄d sales extend not to any howses or lands but such as was the proper estate of Augustine Walker.

Bartlett.

Whereas the Court hath bin informed that Robt Bartlett, of Northwot-tuck, alias Northampton, hath comitted a great misdemeano^r, in attemptinge to force the wife of one Smyth of the same towne, & some report that he did force the s̄d Smyths wife, this Court doth therfore order M^r Joh Pinchon, & M^r Elitzur Hollioke to heare the case, & examine the wittnesses, & if they judg the case capitall, then to cause the offendo^r to be forthwith sent to the p^rson at Boston, to answer the same at the next Court of Assist-ants, whither all the testimonyes & examinations are to be sent, & the witt-nesses required to appeare at the s̄d Court; but if it be only found by them a misden^r, in that case they shall bind ouer the s̄d Bartlett to the County Court at Cambridge, in October next, wth suffycient securitie, to answer for his offence, & cause all the testimonyes & examinations in the case to be sent to the clarke of the s̄d Court, sealed vp, & the Court doth hereby giue full powre to the s̄d comisso^{rs}, by warrent, to send for p̄tyes, & make full p̄cess in the case for the fullfilling of this order.

Northamp.
answ.

In answer to the peñ of the inhabitants of Northwattock, alias Northamp-ton, this Court thinkes meet to confirme W^m Houlton, Edw: Elmer, & Thō Bascum to end small causes there, viz^t, vnder 40^s, according to law, & y^t the comission^{rs} of Springfield are hereby empowered to giue them their respectiue oaths; & further, that such cunstable as shalbe legally chosen there by the inhabitants of the s̄d towne shall repayre to Spring feild, to the forēs̄d comis-sio^{rs}, to take his oath for the faythfull discharge of his place.

Com^{rs} acts con-
firmed.

[*184.]

The comissiono^{rs} for the tqwne of Waymouth appoynted to end small causes there being chosen, approued off, & sworne by the County Court about some fowre years **years agoe*, according to law, & having bin euer since con-tyuned in that place, (vntil this p̄sent yeare,) were neuer returned to any Court to take their oaths añu^{ly}, yet vpon the requests & earnest desire of sundry of the inhabitants, haue ended many differences amongst them, accord-ing to their best skill; now, to p̄vent any evill consequences which might ensue vpon such a neglect, it was their desire that so farre as any of their act-inges had bin just, & according to law, it might be confirmed & allowed, w^{ch} this Court, vpon their request, did accordingly confirme & allow.

Colcords case.

Forasmuch as information was giuen to this Court, at their last session, that some wittnesses in Colcords case were not allowed their charges, at

which Court it was ordered, that it should be in the libtie of Salsbury Court to satisfy such wittnesses charges out of the fowre pounds thirteen shillings in M^r Stanions hands, due to the country as a fine, & as yet vnpayd, which s^d order hath not bin attended by reason no notice hath bin giuen of the Courts pleasure hearin, it is therfore ordered, that the like liberty shalbe graunted to the next Court at Hampton to act according to the former order, & that the p^tyes concerned herein repayre to the secritary for a coppie of this order, that the same may be effected & a retorne of the o^uplus of the s^d sum to be payd in to the county Treasurer.

1656.

22 May.

This Court doth graunt vnto M^r Joseph Hills five hundred acors of land neere Northwotucke, where M^r Bradstreet & others haue graunts ; & it is in consideration of an adventure of 33^{li} 6^s 8^d, & for se^uall services to the country.

M^r Jos. Hills
graunt.

**Att a second Session of the Gen^l Court, held att Boston, the
14th of October, 1656.*

[* 185.]

14 October.

WHEREAS there is a cursed sect of heretickes lately risen vp in the world, which are comonly called Quakers, who take vpon them to be immediatlie sent of God, & infallibly assisted by the Spiritt of God to speake & write blasphemous opinions, despising gouernment & the order of God in the churches & comon wealth, speakinge evill of dignities, reproaching & revileing magistrates & ministers, seeking to turne the people from the fayth, & gayne proselites to their pⁿitious wayes,—

Quakers.

This Court, takeing into serious consideration the p^mises, & to p^rvent the like mischeifes as by their meanes is wrought in o^r natiue land, doth hereby order, & by the authoritie of this Court be it ordered & enacted, that what master or comāunder of any shipp, barke, pinnace, catch, or of any other vessell that shall henceforth bringe into any harbour, creeke, or coue, within this jurisdiction, any known Quaker or Quakers, or any other blasphemous hære-tickes as afforesd, shall pay or cause to be payd the fine of one hundred pounds to the Treasurer of the country, except it appeare that he wanted true knowledge or information of their being such ; & in that case he hath liberty to cleare him selfe by his oath, when suffycient prooffe to the contrary is wantinge, and for default of payment or good securitie for it, shalbe comitted to prison, & there to remayne till the s^d sume be satisfied to the Treasurer, as afforesd. And the comāunder of any such shipp or vessell that shall bring them, being legally convicted, shall giue in suffycient securitie to the Go^vno^r,

1656.

14 October.

[*186.]

£5 penalty for
concealing
Quaker books
or writings.

Exporting
mares.

or any one or more of the magistrates who haue powre to determine the same, to carry them backe to the place from whence he brought them; & on his refusall so to doe, the Goũno^r or one or more of the magistrates are hereby impowred to issue out his or their warrents to comitt such master or comaunder to prison, there to contynue till he shall giue in suffycient securitie to the content of the Goũno^r or any of the magistrates, as afforeſd. And it is hereby ordered & enacted, that what Quakers soeuer shall ariue in this country from foraigne p̄ts, or come into this jurisdiction from any p̄ts adjacent, *shalbe forthwith committed to the howse of correctiō, & at their entrance to be seuerely whipt, & by the master thereof to be kept constantly to worke, & none suffred to converse or speake with them dureing the time of their imprisonment, which shalbe no longer then necessity requireth. And further it is ordered, if any pson shall knowingly import into any harbour of this jurisdiction any Quakers bookes, or writeinges concerning their devillish opinions, shall pay for eſy such booke or writeinge, being legally proued ag^t him or them, the some of fīue pounds; & whosoever shall disperse or conceale any such booke or writeinge, & it be found with him or her, or in his or her howse, & shall not imediately deliuer in the same to the next magistrate, shall forfeit & pay fīue pounds for the dispersing or concealinge of euery such booke or writeinge. And it is hereby further enacted, that if any pson within this colonie shall take vpon them the hereticall opinions of the ſd Quakers, or any of their bookes or papers, as afforeſd, ex animo, if legally proued, shalbe fined for the first time 40^s; & if they shall psist in the same, & shall so agayne defend it, the second time fowre pounds; if still, notwithstandinge, they shall agayne so defend it, & mayntayne the ſd Quakers hæreticall opinions, they shalbe committed to the howse of correction till there be convenient passage to send them out of the land, being sentenced to the Court of Assistants to banishment. Lastly, it is hereby ordered, that what pson or psons soeuer shall revile the office or psons of magistrates or ministers, as is vsuall with the Quakers, such pson or psons shalbe seuerely whipt, or pay the some of fīue pounds.

This Court havinge heretofore made a law to restrayne the seuerall inhabitants of this jurisdiction from exporting mares from hence into forraygne parts, expecting some such like law to be established in the rest of the colonies, which hitherto hath not bin effected, & not knowinge any reason wherefore this jurisdiction should be restrayned & others left at libertye, this Court doth therefore order, that the ſd law respectinge the exportation of mares be henceforth repealed, & be of none effect.

This Court, takeinge into consideration the necessitie of restrayninge from

the Indians whatsoever may be *a meanes to disturbe or peace & quiet, doe order, & by the authoritie of this Court it is enacted, that henceforth no pson or psons inhabitinge within this jurisdiction shall, directly or indirectly, any wayes giue, sell, barter, or otherwise dispose of any boat, skiff, or any greater vessell vnto any Indian or Indians whatsoever, vnder the pœnalty of fifty pounds, to be payd to the country Treasurer, vpon legall conviction, for every such vessell so sold or disposed off as afforeſd.

1656.

14 October.

[*187.]

Vessells.

The secretary, as agent for the colonyes two yeares past, was payd by the Treasurer forty two pounds odd money in Indian corne, at 3^s p bushell, which he could put off but 80 bushells at 2^s 6^d p bushell, on their acc^o, with much discontent, not makeing two shillinges or aboue of the rest; the money was payd for the country account in England, & therefore the Court thinkes meet to allow him ten pounds for such his loss, to be payd him now by the Treasurer.

Allowance for
loss to the sec-
retary.

There beinge an order made by the councell of this comonwth, in 53, to impowre Samuel Archer, the marshall of Salem, to reserue in his hands, out of the fines due to the country, the sum of seuenteen pounds fifteene, fourteen pounds five shilling, for bringing the prise men to prison, & three pounds 10^s about the vnlading of Mr Gardeners catch, till the Gen^l Court shall otherwise determine, now, the ſd marshall, not beinge able to receiue his dues by fines, by reason of the order that states all fines payable to the seuerall county Treasurers, & their County Court not having fines suffycient to deffray publicke charges, this Court doth therefore order that the ſd marshall be payd his dues, as is aboue exprest, by the Treasurer of the country.

Archers allow-
ance.
S. Arther.

It is ordered by this Court, that the psident & fellowes of Harvard Colledge, for the time beinge, or the major pt of them, are hereby empowred, accordinge to their best discretion, to punish all misdemenors of the youth in their societie, either by fine or whippinge in the hall, openly, as the nature of the offence shall require, not exceedinge ten shillinges or ten stripes for one offence, & this law to contynue in force vntill this Court, or the oûseers of the colledge, pvide some other order to punish such offences.

Prsidents, &c,
power.

This Court havinge considered of the offences comitted by Nic^o Vpshall, in reproachinge of or honord magistrates, & speakinge agaynst the law made & published agaynst Quakers, judge meet & haue determined, that the ſd Vpshall, for such his *offences, shall pay as a fine to the country the some of 20^{li}, which if he pay not, his estate shalbe seized vpon by the marshall before he be let out of prison; & also, that the ſd fine beinge payd, he shall depart out of this jurisdiction within one moneth, & not to returne vnder the pœnalty of imprisonment, there to contynue close prisoner vntill he, by publicke

Vpshalls cen-
sure.

[*188.]

1656. acknowledgm^t before some County Court, he giue satisfaction for what he hath spoken.

14 October.
M^{rs} Knights
answer.

M^{rs} Anne Knight p^rferinge a p^et for the abatement of a fine of thirty pounds, for which her husband was engaged for Cap^t Jacob, this Court, vpon her request, thinkes meet to abate ten pounds of the thirty.

Bachelo^rs answ.

Mary Bachiler p^rfering a p^et to be divorced from her husband, now in England, the examination of the case is referd to y^e next County Court at Yorke, & the s^d Court to make returne of what they find in the case to the next Court of Assistants, who haue power to issue & determine the same.

M^{rs} Nowel &
her sons
graunt.

This Court beinge very sensible of the loe condition of y^e late honrd M^r Nowells ffamily, & remembering his longe service to this com^{on} wealth, not only as a magistrate, but secritary also, for which he had but little or slender recompence, & the country debts beinge such as out of the country rate they cannot comfortably make such an hono^rable recompence to his familie as otherwise they would judge meete, therefore to giue & graunt to M^{rs} Nowell & her son Samuel two thowsand acors of land, to be layd out by M^r Thomas Danforth & Robt Hale, in any p^t of the country not yet graunted to others, in two or three farmes, that may not hinder any plantatiō to be erected.

Audito^rs an-
swer.

This Court, havinge considered of a paper p^rsented to them by the audito^r gen^l in reference to his office, conceiue it necessary that he contynue in his place & attend his worke vntill the next Court of Election, when the Treasurer hath ffully cleared his accounts; & that the Court to determine concerning the contynuatiō of such an office in this common wealth.

Cambridg case.

This Court, havinge considered of the case respectinge Cambridge & those on the south side of the riuer, find it attended wth such difficultyes as will not admitt of a comfortable issue at the p^rsent, doe therefore judge it meet to refferre the case to be further inquired into by a com^{it}tee, & to that end haue chosen the Treasurer, *Cap^t Lusher, & M^r Ephraim Child, who are hereby desired to informe themselues more fully of the state of Cambridge, & whatever else they shall judge meete which may be necessary for this Court to know, & so to make returne thereof to the next Court of Election.

[*189.]

Liberty to sel
guns.

It is ordered by this Court, that the military officers of Dorchester shall & hereby are empowred to sell one of the countrys great gunns at Dorchester, p^rvided they buy less in the roome thereof to its full value.

Holmans case.

The County Court held at Boston the 5th of August, 1656, having heard all the evidences in the case concerning M^r Holmans will in reference to John Holman, his son, according to the order of the Gen^l Court, May, 56, doe make this report: that notwithstanding the evidences p^rduced by John Holman, which are one file, they judge the will of the s^d Holman legally proued, & se no

cause to alter the same; which returne of the County Court this Court thinkes meet to approue off in this case.

1656.

Edward Goffe, of Camb^h, p^rfering a p^et for about 20^{li} due to him from the country, in answ: wherevnto the Court thinkes meet to referr the examination of this case to the country Treasurer & M^r Ralph Mousall, & w^t they shall find to be due to the p^et^r vpon a just acc^o, it is hereby ordered, that it be payd.out of the publicke treasury.

14 October
Goffs answ.

Whereas there was a fre p^rsented to this Court from the Gen^l Court at Hartford, together wth seūall questions of practicall concernment in the ch^hs, wherein they p^pound their desires of o^r concurrance wth them in desireing the helpe of the elders for the resolution & clearing of the s^d quest^r, & for that end that a time & place of meeting be assigned by this Court, & notice thereof may be giuen to the rest of the colonyes, that they may haue an oppertunitie to contribute their assistance to this worke, the Court, considering the p^rmises, doth order, that M^r Norton, M^r Mather, M^r Allin, M^r Thacher, of the county of Suffolke, M^r Buckley, if he be able, M^r Chauncy, M^r Symms, M^r Sherman, M^r Michell, of the county of Middlesex, M^r Norris, M^r Ezekiell Rogers, M^r Whiteing, M^r Cobbett, of the county of Essex, be desired to meet at Boston the first 5th day of June next, following, to confer & debate the s^d questions or any other of like nature that shall or may be p^pounded to them by this Court, either amongst themselues or wth such diuines as shalbe sent to the s^d meeting from the other colonyes, & it is expected if the resolutions of the s^d questions, together wth the grounds & reasons thereof, be p^rsented to the Gen^l Court, *to be co^municated & co^mended to such of o^rs that want information therein; & it is hereby ordered, that Rob^t Turner take care to p^rvide convenient entertaynment for the s^d gen^t dureing their attendance on the s^d meeting, & that the charge of those of this jurisdiction be defrayed by the Treasurer. And it is further ordered, that a coppie of this order, together wth y^e t^re & quearies from Conectecott, be sent to all the confederate colonyes, wth t^res from this Court, desireing their assistance in this busines at the time & place affore^sd, & the secretary to send copies hereof wth quearyes to each county, to be co^municated to y^e rest.

About y^e 21
quest.
Questions pro-
pounded by
Connecticut.

[*190.]

Pvision for y^e
ministers.

Seuerall of the inhabitants of Norfolke, desireinge to list themselues for troo^ps, & to begin to rayse a troope of horse in that county, haue their requests graunted, & they to enjoy the priuiledges of troops, p^rvided their numbers & furniture be suffieyent according to law.

Norfolke
troop.

Lieu^t Drew p^rfering a p^et, desiring to be exempted from payinge cus- tome of wines, in regard he had payd the tenth before for the states vse, which the Court saw no reason to graunt, but ordred, that the s^d lieu^t & the

Drowes answ.

1656. rest of his company shall pay the customes, according to the order of Court, of the wines brought in the last vessel.

14 October.
Corletts answ.

Eliah Corlett p̄fering a petition, in the behalfe of Frauncis Browne & Adeia, his wife, relict of George Bennett, for the confirmation of the sale of a howse to them, belonging to John Shaw, haue their request graunted, & the s̄d sale confirmed.

Hampton
bounds.

There having bin heretofore an order of this Court, appoyntinge seuerall com̄ission^{rs} to settle the bounds betweene Hampton & Salsbury, which is not yet effected, the s̄d com̄issiono^{rs} not appearinge, that a finall issue may be put therevnto, this Court doth appoynt Cap^t Brian Pendleton, M^r Georg Gittens, Rob^t Lord, & Ensign Howlett, or any three of them, to settle all differences between the two townes, in reference to their bounds, according to the last order of this Gen^l Court, making their returne to the next Court of Election.

[*191.]

M^r W^m Hubbard hauing long since disbursed 50^{li} for publicke vse in England, for which he had land formerly graunted him vpon the bounds of Haſtell, but being disappoynted thereof, vpon his peñion, & the relinquishing of his former graunt, this Court thinkes meet to graunt him one thowsand acors of land in any place or places that he can find lying out *of any former graunts or townships beyond Exeter Riuer, towards the east or northeast, to be layd out by M^r W^m Bartholmew, M^r Samuel Hall, & M^r Thō Bradbury, or any two of them, in the place before exprest.

Samuels an-
swer.

John Samuel, of Boston, p̄fering petition for liberty to sell a p̄cell of land, in which his children haue an intrest, hath his request graunted, on condition his s̄d children may be instated in so much howsing or land in some other place, as is exprest in his petition, & it is left to the com̄issn^{rs} of the towne of Boston to se the same effected.

Faur's ouer-
seers.
B. Fawer will.

We, whose names are vnderwritten, ouerscers to the last will & test of Barnabas Fawer, having mett together with Joh Johnson, that maryed the executrix of the s̄d Fawers will, haue agreed that the two howses lately in the possession of Barnabas Fawre, beinge somewhat better then the one whole halfe of that estate, shalbe & remayne the inheritance of Eliazur Fawer, only child of the s̄d Barnabas; the rest of the estate, consistinge in goods & debts, hereby is & shalbe enstated on M^r John Johnson, in right of his wife; & it is further agreed, that the oūseers of the s̄d will shall pay vnto the s̄d John Johnson thirteene pounds, out of the next rents of the two howses aboue mentioned, to make his part equall with the childs halfe, with a wood lott, beinge the 9th from Cambridge line to the s̄d John Johnson & his heires, w^{ch} s̄d lott came from Thomas Négus to the s̄d Grace Fawer, all which, at the

request of the psons herein mentioned, this Court thinkes meet to confirme & allow. 1656.

Edward Burt p̄ferringe a peſ for reſtation of ſome loſſ ſuſtainyd by reſon of an eſcape made out of priſon by Cap̄t John Hudſon, who was debto^r to him the ſome of 18^{li}, reſ this anſwer: though the Court doe not conceiue the country is bound to ſecure priſoners, or pay the damage which may ariſe by their eſcape, yet in regard the peſio^r is but loe in his eſtate, they are willinge to beſtow vpon him two hundred acors of land, where he can find it, according to law.

14 October.
Burts anſw.

John Permenter, of Sudbury, hauing expended the ſum of 17^{li} 5^s 02^d in entertaing both the counsell & cōmittee appoynted to end their differences, this Court orders the ſd charge to be borne by all the towne, & leuiſed as is vsuall in other rates.

Parmeters
anſ.

Whereas it appeares to this Court, by a copie of record, that there is due to M^r Deane Winthrop a thowsand *acors of land, ſometimes graunted to his honrd father, which hitherto hath not bin layd out, now, vpon his peſ to this Court, it is ordered vpon the peſ of M^r Deane Winthrop afforeſd, that the ſd thowsand acors of land be graunted to him, to take it where he can find it free from former graunts, & not hindering a plantation, accordinge to law.

M^r Winthrops
grant.
[*192.]

Daniel Fayrfeild, vpon his peſ to this Court, hath liſty to goe for England, in one of theſe ſhipps now bound thither; provided if he come agayne he ſhall forthwth returne to the ſame condition agayn as now he is in, & be cōmitted forthwth to priſon.

Daniel Fayr-
fedds anſw.
leave.

There being a p̄cell of wines ſent into this harbour p M: Sedgwick, the cuſtome whereof amounted to vpward of forty pounds, which the farmer of the cuſtomes was vnwilling to recouer by a courſe of law, having no encour- agm^t thereto from the gouernment, now, vpon the peſ of W^m Phillipps, the farmer, it is ordered, that he be allowed thirty pounds, in reference to the ſd cuſtom of wines, vpon account wth the audito^r, which he is willinge to accept of in full for the ſd cuſtō of wines.

L. Ptecto^r
wine.

1657.

**Att a Session of the Gen^l Court, at Boston, May 6th, 1657.*

6 May.

[*193.]

Chosen : —

Gouverno^r, John Endecott,
 Dep^t Gou^r, Richard Bellinham, } Esq^r.

Mr Bradstreet, }
 Major Denison, } Com^{is}siono^rs.

Mr Bradstreet Mr Symonds, Cap^t Wiggan, Cap^t Gookin, Major Denison,
 Major Atherton, Major Willard, Assistants.

Mr Rich Russell, Treasurer, & Mr Edward Rawson, Secret^y.

The names of the Deputyes.

Salem : Major W^m Hawthorne.

Charlstown : Mr Richard Russell, Thomas Lynde.

Dorchester : Lieut Roger Clapp, Ensigne Foster.

Boston : Cap^t Th^o Savage, Cap^t Th^o Clarke.

Roxbury : Mr John Johnson, Mr Phillip Eliott.

Watertown : Mr Ephraim Child, Mr Charles Chadwick.

Lyn : Mr Thomas Layton.

Cambridge : Mr Edward Collins, Mr Th^o Danforth.

Ipswich : Mr William Hubbard, Lieut John Appleton.

Newbery : Lieut John Pike.

Waymouth : Thomas White.

Hingham : Mr Jerimiah Howchen.

Concord : Mr Robt Meriam.

Dedham : Cap^t Eliazur Lusher.

Salsbury : Mr Thomas Bradbury.

Hampton : Robt Page.

Rowley : Maximilian Jewett.

Brantree : Samuel Bass.

Douer : Cap^t Richard Walden, Mr Vallentine Hill.

Wooburne : Cap^t Edward Johnson.

Kettery : Humphrey Chadburne.

Major W^m Hawthorn chosen Speaker for y^e first session.

W^m Torrey chosen Clarke for the yeare ensueinge.

About inheri-
 tances.

THIS Court, takeing into serious considera^{co} the great neglect of many psons, in the infancy of these plantations, to obserue any due order or legall course for the confirmation of such sales & alienations of howses & lands as haue passed, which thing may be of very ill consequence to posteritie in future times, doe therefore order & hereby enact, that any pson or psons that

hath, either himselfe or by his graunters or assignes, before the law made for 1657.
 directions about inheritances, bearing date October 19, 1652, possessed & occupied as his or their owne pp right in ffee simple any howses or lands within this jurisdiction, & shall so contynue, whether in their owne psons, their heirs or assignes, or by any other psons, from, by, or vnder them, without disturbance, lett, suit, or denyall legally made, by havinge the clayme of any such pson thereto entered with the recorder of the county where such howses or lands doe ly, with the name of the pson so clayminge, & the qualitie & bounds of the land & howses claymed, & such clayme psecuted to effect within the terme of fve yeares next after the 20th of this p^sent m^o, euery such pprietor, their heires & assignes, shall for euer after enjoy the same without any lawfull lett, suit, disturbance, or denyall by any after clayme of any pson or psons whatsoever, any law or custome to the contrary notwithstandinge.

6 May.
 Law on recording deeds.

*And for all bargans & alienations made or to be made after the fore^sed [*194.] terme, that euery pson concerned therein obserue the direction giuen in the aboue recited law vpon pill of suffering all the damage that shall accrew [^] them, their heires or assignes, by neglect thereof.

Itt beinge found by experience that the country is much troubled to p^{se}- New co^miss^{rs}.
 cute offences of an inferior nature, & to execute & pforme what the law in se^uall cases requires; by reason that y^e magistrate liues farr remote from some p^{ts} of the country, it is therefore ordered, that for this p^sent yeare, Major W^m Hathorne in Salem, Lyn, Marblehead, & Manchester, M^r Richard Russell in Charlstowne & Malden, Cap^t W^m Gerrish for Newbery, M^r Bradbury for Salsbury, Cap^t Edward Johnson for Wooburne, Redinge, & Bilerica, W^m Torrey for Hingham, Waymouth, & Nantaskett, Cap^t Eliazur Lusher for Dedham & Meadfeild, be impowred in all criminall cases, binding ouer offend- Persons au-
 o^{rs}, taking testimonies vpon oath, swearing of cunstable, takeing acknowledg- thorized to do
 m^{ts} of deeds, mariages, to act in their respectiue places as any one magistrate the duty of
 may doe, of all which acts they are to keep a due record, which they shall magistrates.
 returne to the Court of the county to which they belonge; & all lawes empowreing the co^mission^{rs} for y^e ending of small causes (except the co^mis-
 sion^{rs} of Boston & Yorkeshire) to act in the cases affore^sd are hereby repeald.

Forasmuch as there are many complaynts of the great sufferinge of the Co^mittees min-
 families of diuers reuerend ministers of Gods word, wthin this jurisdiction, isters.
 for want of such suteable supply as their state & condition doe require, the Committee to
 which thing, if reall, tendeth not only to y^e reproach of the ch^hs of Christ inquire into
 planted in these p^{ts}, but also to the scandall of o^r p^fession, & the loss of the the state of
 Lords favourable p^sence wth vs, this Court doth therefore order, that Cap^t ministers wid-
 ows & children.

1657.

6 May

Savage, Cap^t Lusher, & M^r Surveyor Johnson for Suff^r; M^r Rich Russell, Cap^t Edward Johnson, & M^r Edward Collins for Middlesex, Major W^m Hawthorne, M^r Hubbard, Senior, & Cap^t Gerrish for Essex, Cap^t Pendleton, M^r Wat Hill, & M^r Bradbury for Norf^r; be comⁱttees empowred respectiely within the seuerall countyes to enquire concerning the truth of the s^d complaynt, & if any be of the ground & cause thereof, as also where they shall find any defect, to enquire into the state & condition of the people to whom such minister doth belonge, & make returne thereof to the next session of this Court, that so this Court, which are, by Gods p^rmise, nurseing fathers to y^e ch^hs, may se that there be meat in Gods howse, & the Lord may still delight in vs to dwell amongsts vs, & to bless both vs & o^r poore posteritie, & the s^d scandall p^rvented for y^e future.

Peltry.

Furr trade with
Indians only as
directed.

Whereas the trade of ffurrs with the Indians in this jurisdic^t doth p^rperly belonge to the com^on wealth, & not to p^rticular p^rsons, who without lib^tie of this Court doe trafficque with the Indians, as it may be justly feared, seuerall phibited commodities, as gunns, powder, shott, strong liquors, &c, this Court doth therefore order & declare, that no p^rson or p^rsons, directly or indirectly, after the publication hereof, doe trate wth the *Indians for any sort of peltery, excepting only such as are authorized by this Court, or those deputed by them, on the p^renalty of one hundred pounds fine for euery offence. And this Court doth hereby invest Cap^t Daniel Gookin, M^r Richard Russell, M^r Edward Tyng, Cap^t Edward Johnson, M^r Edward Collins, & M^r Edward Jackson, or any three of them, with full power to find out the best way & meanes, & to make agreement & contract with such able & honest p^rsons as shall tender themselves to p^rsecute the Indian trade for the best benefitt of the country, & suppressing of all irregularitys therein, & that all informers of the breach of this order be allowed ten pounds for euery offence, out of delinquents fines, & this order forth wth published by posting coppies in all the townes.

[*195.]

Watches.

For the better ordering & regulating of cunstable watches, which in se^ruall respects are found deffectiue, it is therefore ordered, that henceforth it shalbe in the power of the select men in each towne within this jurisdiction, or the major p^rt of y^m, to order & dispose of the s^d watches, both in respecting time, place, number, qualitie of p^rsons, & what else may conduce thereto, so as to them shall seeme most meete.

Lambs.

There beinge a law made in the 6th moth, 54, to restrayne butchers from killing ram or weather lambs vntill they shalbe two years old, sub p^renâ 20^s, which s^d law this Court doth hereby repeale.

Non-liquets.

Law cases, di-
rections in.

Whereas in all ciuill cases depending in suit, the p^rt affirmeth y^e y^e deffend^t hath done him wrong, & accordingly p^rsents his case for judgm^t &

satisfactiō, it behoueth the Court & jury to se y^t the affirmacō be pved by suffycient evidence, else the case must be found for y^e deffend^t; & so it is also in a criminall case, for in the eye of y^e law eūy man is honest & innocent vnles it be pved legally to y^e contrary. All evidence ariseth p̄tly from matter of ffact, & p̄tly from law or argument: y^e matter of fact is alwayes feizeable to be judged off as well by the jury as by the Court; & concerning y^e law, or y^e poynt of law, in reference to y^e case in ques̄t, it is more easy & generally knowne or more difficult to be discerned. The duty of y^e jury is, if they doe vnderstand the law to the satisfactiō of their consciences, not to put it off from themselues, but to find accordingly; but if any of y^e jury doth rest vnsatisfyed what is law in y^e case, then the whole jury haue libtie to p̄sent a speciall verdict; viz^t, if y^e law be so or so in such a poynt, we find for y^e playn^t, but if y^e law be otherwise, we find for the deffend^t, in which case the determinac̄ is left to the Court. And whereas the clause in y^e law, paḡ 32, mentioning, where evidence is obscure, the jury may bring in a non-liquet, which words hath occasioned much trouble & delay in civill p̄ceedinges, this Court doth hereby repeale the s̄d clause, & directeth according to what is aboue expressed for the future.

1657.

6 May.

It is ordered by this Court & the authoritie thereof, y^t euery pson or psons having notice giuen or otherwise left in writing at their howse; or place of vsuall abode, of any of their cattle impounded or otherwise restrayned, shall forthwth giue satisfacō to the p̄ty wronged, or otherwise replevie their cattle & p̄secute according to law, vpon pill of suffering all y^e loss & dam̄age y^t shall come to their cattle by standing in the *pound, or other lawfull place of restraynt, vntill such time as the p̄tie wronged shall recouer his dam̄age in a legall way.

Replevins.

Cattle impounded.

[*196.]

Whereas this Court hath made seuerall orders for the p̄venting of excessiue drinkinge & drunkenes amongst the Indians, & yet, notwthstandinge, there is little or no reformation in that kind, but it appeareth, by complaynts from all p̄ts of the country, & that by frequent experience, that no moderation can be attayned to p̄vent drunkenes amongst them, the fruits whereof are murther & other outrages, this Court doth therefore, the p̄mises considered, hereby wholly p̄hibite all psons, of w^t qualitie soeur, henceforth to sell, truck, barter, or giue any strong liquors to any Indian, directly or indirectly, whether knowne by the name of rum, strong waters, wine, strong beere, brandie, syder, or peurry, or any other strong liquors goeing vnder any other name whatsoever, vnder the p̄nalty of 40^s for one pint, & so p̄portionably for greater or lesser quantyties so sold, bartered, or giuen, directly or indirectly, as afforešd; & for the better execution of this order, all trucking

Drunkenes

Severe penalty for selling spirit of any kind to Indians.

1657.

6 May.

houses erected, not allowed by this Court, shalbe forthwth demolished; & for the better effecting of this order, it is declared, that one third p^t of the poenalty shalbe graunted to the informer. It is also hereby declared, that speciall care shall be had by the grand juryes of euery Shire Court to inquire & p^sent to the Court what they find to discouer matter *matter* leading to such a practise agaynst the true intent of this law; & all other orders, giucing liberty to sell strong liquors to Indyans, are hereby repealed, & all licenses formerly graunted are hereby disabled & cald in; p^rvided alwayes, that it is not intended that this law shall extend to restrayne any p^{er}son from any charitable act in relieueinge any Indian, bonâ fide in case of suddaine extremitie by sicknes or fayntinge which cals for such helpe, not exceedinge one dramm, nor when any phisition shall p^rscribe, in way of phisicke, any of the p^rtyculars before mentioned, so as vpon sight of his direction, in writeing, there be allowance had vnder the hand of one magistrate, or, where no magistrate is in the towne resideinge, vnder the hands of the towne commissiono^{rs}, or any two of them.

Rates rectified.

Whereas it is euident that there is much injustice & inæqualltyie in the assessments of publicke rates in each towne within this jurisdiction, whereby some are eased & others burthened, & the common wealth p^rjudiced, for the p^rvention whereof it is ordered by this Court, that houses & lands of all sortes shalbe rated at an indiferent value, according to their worth in the townes & places where they lye; also euery bull & cow of fower yeare old and vpward at three pounds; heifers & steeres between three & fowre yeare old at fifty shillings, & between two & three yeare old at forty shillings, & between one & two at 20^s; *euery ox of fowre yeare old & vpward at 5^{li}; euery horse & mare of three yeare old & vpward at ten pounds, between two & 3 yeare old at 7^{li}, of one yeare old & vpward at 5^{li}; euery ewe sheepe aboue one yeare old 25^s; euery goate aboue one yeare at 8^s; euery weather sheep aboue one yeare at 10^s; euery swine aboue one yeare old at 20^s; euery asse aboue one yeare old at 40^s; & in all other respectℓ to p^rceed as is p^rvided in the printed law, title Charges pu^b, and according to the law for rectifying assessments made May, 51, that so many great estates, though more obscure & difficult to find out, may beare their due & just p^rportion with such estates as are more obvious & cannot be hid.

[*197.]

Birthes, deaths,
&c., to be
recorded.

This Court, takeing into their consideratiō the great damāg y^t will vna-
voidably accrue to the posteritie of this comōn weale by the gen^l neglect of
observing the law injoyning of records of all birthes, deaths, &c., doe there-
fore order, that henceforth the clarke of the writts in each towne respectiue-
ly take due care for effecting the same, according to the intent of the afforesd

law ; & in case any pson or psons shall neglect their duty required by the sd law more then one moth after any birth, death, or mariage, the clarke of the writts shall demaund the same, wth 12^d a name for his care & paynes ; & in case any shall refuse to satisfy him, he shall then returne the name of such pson or psons to the next magistrate or comissiono^{rs} of the towne where such pson dwells, who shall send for that p^{te} so refuseinge, & in case he shall still psist therein, shall giue order to the cunstable to levie y^e same ; & if any clark of y^e writts shall neglect his duty hereby injoynd, he shall pay the following pœnalty, viz^t : for neglect of a yearly returne to y^e County Court, 5^{li} ; & for neglecting to returne y^e name of any pson returneable by this law, whether borne, maryed, or dead, more than 30 dayes before his returne to the County Court, 5^s. And that no future neglect may be herein, the recorder of each County Court is hereby enjoynd from time to tyme to certefy the Countie Courts, respectiuely, the names of all such clarkes as shall neglect to make their yearly return according to this law, who, vpon notice giuen, shall send for such clarke, & deale in the case according as law requireth.

1657.

6 May.

For asmuch as the recorders of y^e sefall countyes are by law injoynd to Record^{rs} fees. record all wills & inventoryes, mortgages, & sales legally brought vnto them, & safely to keepe the same, & as yet no law hath p^{ro}vided or determined their just recompence, this Court doth therefore order, that the ffes of the recorder or clarke of any County Court shalbe as followeth, viz^t : for entry of a mortgage or sale of howse or lands verbatim, not exceeding a pag^e, consisting of 28 or 30 lines, 8 words in a line, 12^d, & p^{ro}portionably for what it shall exceed ; & for attesting the record on the originall deed, 6^d ; & in like manner for wills & inventoryes, wth 6^d a peece for fileing vp the originall, & saffe keeping thereof ; & for entring the examination & p^{ro}ceeding^l in Court in any criminall case, or p^{re}sentm^t wth the judgm^t of the Court therein, 2^s 6^d ; & for entry of a recognizence, 12^d ; to be payd or secured in Court by the delinquent ; and *for entringe an order, as for the determining of an estate of such as dyed intestate, or other, wherein the Court is to giue their aprobaton or determination, 12^d.

[*198.]

Seing it is difficult to order & keepe the howses of publicke entertaynment in such conformitie to the wholsom lawes established by this Court as is necessary for the p^{re}vention of drunkenes, excessiue drinkeing, vayne expence of money, time, & the abuse of the good creatures of God, it is therefore ordred by this Court & the authoritie thereof, that no pson or psons hereafter shalbe lycensed to keepe a howse of common entertaynment, or to sell stronge waters for any longer then one yeare at one time ; & that such as keepe howses of publicke entertaynment, or sell strong waters, which for the p^{re}sent are lycenced, (the p^{re}sent vintno^{rs} dureing their contract excepted,)

Lycences
limited.

1657.

6 May.

shall & hereby are enjoyned to repayre once wthin this yeare to their seuerall County Courts, for renewing their licences, according to this law, for which they are to pay two shillings six pence to the clarke of that Court, or else they shall forfeit & pay as vnlicenced ale-howse keepers, for euery offence, 5^{li}.

Lancasters
answ.

In answer to the petition of seuerall of the inhabitants of Lancaster, Major Symon Willard, Cap^t Edward Johnson, & M^r Thō Danforth, are empowred as a committee to heare & determine seuerall differences amongst them, & to manage the prudentiall affayres of the towne vntill they shalbe furnished with men capable for that imployment, according to law.

Prsidents
graunt.

This Court doth graunt to M^r Charles Chauncey, president of Harvard Colledge, 500 acors of land, to be layd out in any place not formly graunted by this Court, by Edward Goff & Ensigne John Sherman, survey^r.

Jephyses
answ.

In ans^w: to the pe^t of John Jephson, for releife in respect of a Scottish servant, which is burdensom by reason of a disease, the Court saw no reason to graunt his pe^t, but referd him for releife to the towne of Boston.

Fermyn Haddon, being destitute of an habitation, for answer to his pe^t to this Court, is referred to the order of the last County Court att Boston for releife, which doth fully p^rvide in the case.

Grosses ans^w.

Clement Gross p^rferring a pe^t for liberty to keep an howse of publick entertainment, which the Court thinkes not meet to graunt.

Stebbins ans^w.

Martin Stebbins p^rferring a pe^t for lib^tie to sell strong beere, which s^d pe^t the Court saw no reason to graunt.

Davison ans^w.

The Court having heard what M^r Davison, in the behalfe of Doctor Whichcott & Rebecca, could say, & on p^rvseall of y^e acc^o, they haue voted the former answer, giuen by the Gen^l Court to M^r Davisons pe^t, in the like nature, bearing date 15 Octo^b, 1650, to be the answer to his pe^t, now p^rsented to the Court.

Ines ans^w.

Mathias Ines being fined 5^{li} by the County Court, for breach of a law, desireing the abatement of it, his pe^t is not granted.

Mauericke fine
remitted.

M^r Samuel Mavericke, beinge bound in a band of 20^{li} for the good behavio^r of one Hogsflesh, which his said band was forfeited, vpon his pe^t to this Court, his whole engagment is remitted.

[*199.]

Portmoth
ans^w.

*In answer to a pe^t from seuerall of the inhabitants of Portsmouth, for settling of a minister, as also their meeting howse, for the p^rvention of further inconveniencies touching the same, that the pe^tio^rs nominate & choose one man, the rest of y^e inhabitants another, & the County Court of Douer a third, who are hereby authorized to goe on the place, & to here what on both sides shalbe alleaged in the p^rmises, & determine y^e same as they shall judg most conducing to y^e peace & welfare of y^e town; & in case y^e parties shall refuse to p^rceed to choose as affore^sd, it is then referd to y^e County Court at Douer,

to make such order therein as they shall judge best conducing to y^t end, & cause returne to be made to y^e next Court. 1657.

It is ordered by this Court, that all lawes in force of pub^l concern^t, not yet printed, be forth with transcribed by the secritary, & sent to the press forth with, to be printed at y^e publick charg, & the printer to be payd by the Treasurer. 6 May.
Lawes printed.

It is ordered by this Court & authoritie thereof, y^t M^r Bradstreet, Cap^t Wiggins, Cap^t Gookin, & Majo^r Gen^l Denison, with the rest of the com^{is}siono^{rs} which are appoynted to keepe the County Courts at Yorke, Douer, & Hampton, the dayes appoynted by law ; & at their being at Yorke whiles M^r Bradstreet or Majo^r Denison be there, according to the com^{is}sion & instructions which the former com^{is}sio^{rs} receiued from the Gen^l Court when the former eastern inhabitants were tooke in, that so they may not only take in such as are wthin o^r limitts, vnder this gouernment, but also to appoynt & settle them in such a way of gouernment, with commissiono^{rs}, cunstables, & other officers, as they may be enabled to p^serue the peace, & defend themselues from tumults, & settle due ministry amongst them, that so they may liue according to God, vnder such ordinances they are capable of; & further, that the s^d com^{is} take a due & effectuall course for the bringing in of John Boniton to a due triall, at Boston, for his abusiue cariage & speach agaynst this gouernment, & y^t they p^{ro}portion each of the townes in those p^{ts} to pay the seuenteen pounds 10^s for time past & time to come. Com^{is}sio^{rs} at
Yorke.

In answer to the petition of Henry Sherburn, who, for reasons exprest in his petition, renounceth the executorshipp of Am^b Gibbons, which this Court doth allow & approue off, & grants administration to the estate of the s^d Ambrose Gibbons to y^e s^d Henry Sherbourn, & orders, that after the debts of y^e s^d Gibbons be satisfyed, that Samuel Sherbourn, his son, shall haue a double portion, & the rest of that estate be equally distributed amongst the rest of the children ; and this Court doth hereby further impowre the s^d Henry Sherbourn to sell & make good tytle to the howse & lands of y^e s^d Gibbons, to whom he shall sell the same. Sherburn answ.

Thomas Boreman, of Ipswich, desireing to be ratefied in reference to his building of a bridg, is denyed his request ; but so far as his pe^t hath respect to others making vse of it, the Court judges it equall that none make vse thereof but by his allowance or contract wth him. Boreman^s
answ.

This Court thinkes meet to graunt vnto Cap^t Thomas Clark, for some reasons, 300 acors of land on this side Conectecott Riuer, neere the lands lately graunted to M^r Bradstreet & M^r Symonds, p^{ro}vided it hinder no former graunt. Cap^t Clarks
grant.

1657.

6 May.

[*200.]

*There beinge, about two years since, 200 acors of land granted to Major Gen^l Denison, in reference to his service to the eastward, now, this Court, on a second motion, thinkes meet to make an addition of 300 acors to his first grant, & to be layd out at North Wootuck, or some other place free from former graunts; pvided, that the 200 acors only take plač before M^r Bradstreets 500 acres.

M^r John Johnson having bin long serviceable to the country in the place of surveyor gen^l, for which he hath never had any satisfaction, which this Court considering off, thinkes meet to graunt him 300 acors, in any place where he can find it, according to law.

Majo^r W^m Hawthorn having bin imployed, with other gen^l, in settleing the gouern^t in the eastern p^ts, for which no satisfaction was euer made, this Court, by way of thankfull acknowledgm^t for that service, thinkes meet to grant him 300 acors of land, where he can find it, according to law.

Major Willards
grant.

Graunted to Major Symon Willard, for service to this collony, 500 acors of land, in any place where he can find it, according to law.

Capt^t Gookins
grant.

Graunted to Cap^t Daniel Gookin, for service done to this comon wealth, 500 acors of land, where he can find it, according to law.

Treasurers
graunt.

Graunted to M^r Richard Russell, Treasurer, for service done in y^t place for many yeares, for which no yearly recompenc hath bin allowed, 500 acors of land, in any place not formerly graunted, or vpon Nipnop Riuer, at his choyce.

M^r Endecotts
graunt.

Graunted to o^r p^sent honord Gouverno^r, Joh Endecott, Esq^r, a thowsand acors of land, in lieu of 75 pound payd by him & his wife in the gen^l adventure at first, where he can find it, not pjudiceing any former graunt.

M^r Rawsons
grant.

Graunted to M^r Edward Rawson, se^c, in refference to his service to the eastward, 200 acors of land to what he hath already had to be layd out, not interfering with former graunts.

M^r Bradstreets
graunt.

M^r Bradstreet hath libertie graunted him to take the 500 acors of land graunted vnto him at the Court in August, 53, on this side Conectecott Riuer, next the 200 acors formerly graunted him there, in such place as he can find most convenient, either below or aboue the new towne that is on the other side of the riuer, as also to agree or compound with the Indians for their intrest therein, if the case so require; pvided, that Major Gen^l Denisons 200 acors may take place before M^r Bradstreets fivie hundred acors, as also that it hinder no former graunt.

[*201.]

M^r Symonds
grant.

*Graunted to M^r Samuel Symonds, that he may take 300 acors of land as part of his former graunts, (by way of exchange,) to be layd out *to be layd out* by M^r Bradstreets land on this side of Conectecott Riuer, & to compound

with the Indians for their intrest, if the case so require, pvided it hinder no former graunt.

1657.

Its hereby ordered, that the p̄sent secretary take care to make such pvisions for the cōmission^{rs} as he shall judge necessary, both for pvision & attendants.

6 May.
Secretary to
pvide for
cōm^{rs}.

Nicholas Norton, constable of Waymouth, is allowed three single country rates for all his owne estate for loss of an oxe payd in to him in collecting the country levye.

Nortons
exemption.

The inhabitants of Chelmsford being vnder a fine for not observing the law about nominatiō of magistrates, vpon their peñ to this Court their fines are abated to 20^s.

Chelmsford fine
abated.

Joh Sterne, cunstable of Bilerica, being vnder a fine for not warning the ffreemen to meet about the nomination of magis^{ts}, vpon his peñ to this Court, hath his fine remitted.

Bilericas fine
remittd.

Cap^t Rich Walden, a deputy for Dover, having vrgent occasi, vpon his request, is dismist the Court.

Hugh Gunison, being returned by the cunstable of Kettery to serue as a dep^t for y^t towne, vpon information agaynst him, was judged vnmeet for y^t service, & so dismist y^e Court, & discharged from what imployments he hath had, both in military & judiciary affayres.

Gunisons cen-
sure.

Layd out to the vse of the inhabitants of Bilereca 8000 acor of land lying vpon Merimacke Riuer, on both sides thereof, takeing in the new trucking howse now inhabited by John Crumwell, the sd land being layd out about 6300 acors on the east side the riuer, & about 1750 acors on the west side y^e sd riuer, & is bounded by the wildernes surrounding the same, as is demonstrated by a plott p̄sented to this Court by Major Willard & Cap^t Johnson, appoynted to lay out y^e same, the returne of which cōmissio^{rs} was approued of. P̄ Curiā.

Bilericas
graunt.

In answer to the peñ of Georg Wallice, refering to a bargan between Samuell Bennet & himselfe, the Court thinkes meet that in regard the petition^r sustayned the loss of about forty pounds, or more, to attayne a release of the bargan betwixt him & Mr Bennett, wherevpon he receiued most of the goods agayne, that the fine respecting this case should be remitted; but forasmuch as the petition^r sold to others at oppressing prizes, the Court orders that he should pay ten pounds of the fine imposed vpon him.

Wallice an-
swer.

In answer to the peñ of Samuel Bennett, the Court vnderstanding that the petition^r receiued of Mr Wallice about forty pounds, or vpward, meerey for the release of the bargan between them, all other charges the pet^r was necessarily occasioned thereby fully satisfyed, so farr as is made to appeare, doe there judg it not meet to graunt the petition, in remittin the fine in whole or in part.

Bennetts an-
swer.

1657.

6 May.

[*202.]

Chasmors case.
An Indian rescued from the
marshall.

*The Court, hauing read & considered of the seuerall lres & papers refering to the rescue of Chasmore, of Pautuxit, thinke it necessary that something be done to vindecate o^r just right of judicature ouer them, & that we should not pass ouer in silence the affront offered to the marshall, & those y^t were wth him, by the men of Providence; & although we ought to signifie to the president o^r good acceptance of his readynes to apply himselfe to what may conduce to wayes of peace & righteousnes, yet that we also lett him vnderstand o^r deep sence of the injury done vs in p^rventing vs in the p^rsecution of justice agaynst delinquents, desireing the s^d president to consider of some way for giueing due satisfaction to vs in doeing justice vpon such psons as vpon examination shalbe found guilty, according to the meritt of the fact, that so, justice having a ffree course amongst vs, peace & amitie may be mayntayned between the two jurisdictions; & it is o^r desires that o^r p^rsent honrd Gouverno^r & Deputy Gou^rno^r, by lres, with all convenient speed to let the s^d president vnderstand the Courts pleasure herein.

Hampton
bounds.

In answer to the pe^t of the inhabitants of Salsbury, in refference to the settling of the bounds between Hampton & them, the Court hath nominated Lieut John Applton, M^r Joseph Metcalfe, & M^r W^m Bartholmew, of Ipswich, Nic^o Noyce & Daniel Pearce, of Newbery, who are hereby empowred as co^mmissio^{rs} to act in this case according to former orders of Court; & whatsoever they, or y^e majo^r p^{rt} of them, shall conclude in refference to the s^d bounds mentioned in this pe^t to stand firme & good, p^rvided that Cap^t Nic^o Shapleigh, of Charles Towne, be p^recured by the p^rtyes to assist the co^mmissio^{rs} in drawing out a plott & runing the line according to their direction, the charg of the co^mmissio^{rs} to be borne equally by both townes, & the artist to be payd by Salsbury only, & that a true returne be made of what is done herein to the next session of this Court, to be ratifyed & confirmed.

Ferry farmo^{rs}.

An answer to the pe^t of the farmers of Charlstown ferry in se^rall p^rticulars: 1. For sure payment the law hath already p^rvided in anno 48. 2. That in case of chang of money, o^r coyne, being not in smaller peeces then 6^d or 3^d, it shall not be lawfull for any passenger to refuse to receiue a penny or 2^d in good peag, to make their chang more easy & ready. 3. Respecting the passages of cunstable, in all cases they should pay for their owne passages; & for such as are or shalbe imployd in publick service by authoritie, they shall bring with them a certeficate vnder the hands of them by whom they are imployd, which shalbe payd by the Treasurer of the country or countey, according to order exprest in the certeficate, to which Treasurer it p^rp^y belongs.

[*203.]

Jacksons
answ.

*In answer to the pe^t of Elizabeth Jackson, for the remittment of a fine for not p^rveing her husbands will, the Court judgeth meete to referr the

moderating of the fine the petio^r hath incurred to the next Countey Court at Ipswich, as they in their discretion shall judg meet; & it is ordered that the party that ought to proue the will to appeare at the s^d Court. 1657.
6 May.

In answer to the pe^t of John Trumble, of Rowley, for y^e remittment of a fine for not timely p^rueing of a will, the Court judgeth meet to referre the moderating of the fine to the next County Court at Ipswich, as they in their discretion shall judg meet. Trumbles
answer.

In answer to the pe^t of Thomas Gayner for liberty to review his action, the Court, considering the order, in answer to his pe^t, at the Gen^l Court, in May, 51, whereby the petiti^r is enabled to review his action by vertue of his charter p^rte, altho^o canceld, thinkes meet he be still referred thereto; & as for his want of estate, he may take the benefitt of the law in that case p^rvided. Gayners
answer.

The cunstabes of Waymouth & Brauntry being defectiue in making their returnes of the choyce of y^e deputyes of the seuerall townes according to law, & being lyable to the p^renalties of 20^s, vpon the constables of each towne, the Court, vpon their appearance, & a hearing of what they had to say, thought meet to abate the fine of the cunstabes of Waymouth to fve shillings, to be equally borne between them, & that Brantree cunstabes haue their fine abated to fve shillings, to be equally borne between them. Waymouthth
cunstabes.

This Court being informed that there is about 17^{li} witholden by Richard Woodey from this jurisdiction, by occasion of some transactions about the Indians, concerning which there hath passed some accounts wth the co^mmissio^{rs} of the colonyes, for the recouery whereof this Court hath empowred M^r Edward Rawson, se^c, to be auturney, in the behalfe of this jurisdicti^o, & to p^rsecut the suit to effect. Woodyes debt.

Whereas the lands & p^rprieties of the honord Cap^t Wiggin hath not hitherto bin brought within the lymitts of any towne, nor bin lyable to pay taxes & assessments as others of o^r honord magis^{ts} haue done, it is therefore ordered by this Court, that henceforth the now dwelling howse of the s^d Cap^t Wiggan, together with the lands & p^rprietyes thereto ap^pteyning, shall belonge to the towne of Hampton, & by the select men of the s^d town to be assessed in all rates according to law, any custome or vseag to the contrary notwithstanding; & that for y^e tyme past he allow only the s^ume of 5^{li} to the publick treasury. Capt. Wiggin.

*Thomas West, about his burglary, which was not issued, & was left to moue the Gen^l Court what to doe in it, he standing bound ouer to Salem Court, this case is referred to Salem Court, who are hereby impowred to heare & determine the same. [*204.]
West, burgla-
ry.

In answer to the pe^t of Samuel Cole & James Johnson, administrato^{rs} to Coles answ.

1657.

6 May.

H. Chadburne
deputy ex-
cused.

the estate of Edmund Gross, liberty is graunted to the ſd administrators to make sale of two thirds of a certayne howse mentioned in the ſd peſ, for the vse & behoof of the children of the ſd Gross.

Humphry Chadburne, deputy for the towne of Kettery, vpon his request to the Court, is dismist from any further attendance on the Court.

M^r Treasurer, Cap^t Lusher, & M^r Ephraim Child were heretofore ap-
poynted to inform themselues about the state of Cambridg, & whateuer else
they shall judge meet for this Court to know in the case, &c ; this order to be
agayne in force, & so to contynue vntill the next session of this Court, to
which the comiſſion^{rs} aboue mentioned are to make their returne.

M^r Rawson,
land laid out,
200 acors.

We, whose names are vnder written, being ap-
poynted by the Gen^l Court to lay out 200 acors of land for M^r Edward Rawson, haue done accordingly,
as followes: on the east side of Kachecha Riuer we haue ordered one hun-
dred acors, begining at a beech tree neere the riuer, marked E: R:, & from
thence to run northward 80 rod, & from the marked tree eastward two hun-
dred rod; & one hundred acors on the west side the riuer, a little below the
Indian path, begining at a white pine, marked as afforeſd, & from thence to
run southward, but could not further determine vntill Douer hath layd out
their bounds. The foreſd path lyeth about 3 miles aboue Peter Coffins
howse. Dated 4 of May, 1657.

BRYANT PENDLETON,
PETER COFFIN.

This returne was approued of by the Court, & the ſd land confirmed to
the ſd M^r Rawson & his heires foreuer.

Ann Bates
child taken to
Hingham.

In answer to the peſ & complaynt & Ann Bate, in refference to the
child of Goodmā Buck, deceased, its ordered, that the ſd child should be
forthwith safely conuayed backe agayne to Hingham, at the charg of them
that caused it to be brought from thence, & that the select men of Hingham
take care to pvide for the child according to y^e order of the County Court
formerly to them directed, which if the select men afforeſd, in the behalfe
of the towne, further yet neglect, they may expect the displeasure of this Court.

[*205.]
M^{rs} Nowell,
land laid out.

*We, whose names are subscribed, according to an order & graunt made by
the Gen^l Court, October 14th, 1656, haue layd out to M^{rs} Parnell Nowell,
1000 acors of land, lying beyond Douer bounds on the northwest, & lyeth
vpon Chochecho Riuer, on both sides thereof, begining on the northeast side
of the ſd riuer, on the north side of a brooke that runneth into the ſd riuer,
on the northwest side Shohomogomocke Hill, lately planted by Indiyans, &

lying two miles in length vpon y^e the ſd riuer, & halfe a mile in bredth, also on the southwest side of the ſd riuer, begining at a pine tree marked, standing anent the afforeſd Shohomogomocke Hill, & from thence running southwest $\frac{3}{4}$ of a mile, & in length vpon streame one mile & a halfe, & at the vpper end of the ſd lyne lying in breadth from the riuer $\frac{1}{2}$ of a mile, being pallell to y^e lower line; also layd out vnto M^r Samuel Nowel 1000 acors lying on the south & east side of the afforeſd Shohomogomocke Hill, & is bounded with the wildernes land anent the great pine swamp on the northeast side thereof, & so contynued between that Chochecho Riuer towards Douer bounds, the which southeast lyne we could not clearly determine, beç Douer bounds is as yet vnlayd out. Giuen vnder o^r hands the 28 Aprill, 1657, by vs, Thō Danforth & Robert Hale, the returne of which cōmiſſiono^{rs} in reference to the lands aboue mentiō was accepted of by the Court.

1657.

6 May.

These cōmiſſiono^{rs} aboue mentioned were appoynted to lay out also three thowsand & two hundred acors of land graunted to M^r Thomas Dudley, Esq^r, & Increase Nowel, gen^l, deceased, as executo^{rs} of the last will of M^r Isaake Johnson, deceased, according to the graunt; pvided, that the ten pounds due to the country from the executo^{rs} of M^r Increase Nowell be first payd to the country Treasurer, or securitie giuen for the same.

We, whose names are herevnder written, being appoynted by y^e Gen^l Court, October, 1656, to lay out to M^r W^m Hubbard, of Ipswich, Sen^r, 1000 acors of land in any place or places beyond Exeter Riuer, E: or N: E:, haue accordingly layd out the ſd land as follows, viz^t: vpon the north side of Inochecha Riuer, about 8 or 9 miles from the mills, as we judge, the number of 890 acors in a pine swamp, begining at the westermost end of the ſd swampe, at a great red oake, marked on 4 sides, & from thence 80 rod east & by south, to a great white pine tree vpon the westmost end of a great old Indian feild, & from thence along the same lyne, through the ſd feild 820 rod, to a great pine tree marked on 4 sides, & from thence vpon a northeast lyne 240 to a great pine tree vpon y^e topp of a hill, marked on 4 sides, & from thence west & by north 320 to a red oake marked on fower sides, & from thence 320 to the first marked red oake, & vpon the eastmost end of the afforeſd diuision 200 rod square vpon each corner, bounded with a great pine tree marked on 4 sides, & the remaynder of the 1000 acors layd out in two small pcells of land on both sides the riuer; that on y^e north side contayning about 70 acors, bounded wth the riuer, & a great hemlock tree marked on fowre sides with a T & a W, & 3 pine trees & a little white oake, all the trees *marked on fower sides; that pcell of land on the south side about forty acors, bounded by the riuer & two pine trees, a hemlock & a beech, all the trees marked on fower

[*206.]

1657. sides; these two later pcells lying about 3 or 4 miles from the mills vpon Inochecha Riuer, as we suppose, all the sd pcells contayning, as appears, 1000 acors. Aprill 28, 1657.

6 May.

Samuel Hall &
Tho. Bradbury.

The Court allowed & approued off the 890 acors in a pine swamp, as aboue is exprest, layd out to M^r W^m Hubbard, & to his heires for euer; & for the 110 acors exprest in y^e returne, it was voted to belong to the secretary, M^r Edward Rawson, & therefore he is at his liberty to lay so much as compleats that graunt according to the sd graunt.

Acts to be read
three times,
once on each
day.

Whereas it is found by experience that the passinge & enacting of diuers graunts, orders, &c, & lawes, vpon the first pposall, hath occasioned many inconveniencies which might haue bin pvented by mature delebration, & that it is the laudable custome of the pliament in Eng^t to pass no bills which hath not bin thrice read & debated, it is therefore ordered & enacted by this Court, that no graunt of land, law, or order, except transient acts, shall henceforth be of force, but such as, after reading & mature consideration on three sefall dayes, shall be approued & consented to by the major p^t of the Magistrates & Deputyes.

Courts answer
to Indians de-
sire of making
war on another
tribe.

The answer of the Gen^l Court of the Massacusetts to y^e motion or request of Wequagonoag, sachem of Naraganset, Wetowasnati Wiscoquonc, co^mmissio^{rs} for Massepetoat, Pecomptick, sachem, Wampequamenet, sachem, Warquacunc, for liberty or consent to make warr vpon Vncas, sachem of the Mohegins.

We acknowledge the friendship of the Narragansitt, Pocunpticks, & Mowwakes in many of the p^ticulars mentioned, which we haue euer answered wth like loue & friendship, & haue neuer done them, or any of their people, any wrong or injury since o^r coming hither, & desire that loue & peace may be contynued between vs & the succeeding generations.

2. We like well their p^sent address to the English before there be any further engagment with Vncas, & should haue taken it more acceptable if they had done so formerly.

3. Concerning the difference between Vncas & the Pocamtuck Indians, as we doe not fully vnderstand the ground of it, not hauing heard both p^tyes togeather, so vpon what we haue heard we are apt to think Vncas may be in fault, which if it appeare it be so, vpon due hearing, the English will not excuse or countenance him therein; but seing the Pacomtuck Indians haue had so great a victory o^f him, & kild so many of his men, we thinke they may well rest satisfied, & doe desire there may be no further pceeding in way of hostillitie till the co^mmissio^{rs} of the sefall colonyes haue heard & judged of

the case, who are to meet at Boston 4 moths hence, & are deputed by all the English to heare & end all differences amongst the Indians that are in friendship with vs, which if you will promise to doe, *we will forthwith require Vncas to forbear any assaults agaynst yo^rselues or ffrriends, & doe expect he will doe accordingly.

1657.

6 May.

[*207.]

4. As for the motion of the Narragansitts, for libertye to ayd y^e Pocompucke or Mowake Indians agaynst Vncas, we cannot by any meanes assent vnto, much less vpon any such old & offenseiue ground as was mentioned, & which the dead sachem of the Narragansitt, at the last meeting of the commissio^{rs} at Plymouth, did openly pfess, before many sachems & others, to throw away & for euer to forgett; & for any late & new injuries or affronts that Vncas may haue done or offred, the commissio^{rs} at their next meeting wilbe ready to heare, & cause due satisfaction, if the case require it, to be giuen.

We take notice, that you are mindfull of the couenant made with the commissio^{rs}, at Boston, in the year 45, which is 12 yeares agoe, not to warr with any Indians that are in friendship with the English, without the consent of the commissio^{rs}, & therefore like well there coming now for advice in so great a case, that may so deeply concerne both them & vs; yet we cannot consent to the motion, but doe require you, according to yo^r couenant, & as you desire the contynuanee of o^r friendship, to forbear any hostill attempt agaynst Vncas, or any other Indians in ffriendshipp with vs, till you haue libertie from the commissio^{rs} of the colonyes so to doe, to whose next meeting we further referr you for finall resolution in all cases of differences, & him or any others.

We, whose names are herevnto subscribed, being appoynted by the Gen^{ll} Courts of the Massachusetts & Newplymouth to settle a diffrence between the townes of Hingham & Scituate, referring to 60 acors of saltmarsh graunted to the Massachusetts, lying on the east side of the Riuer Conehassett, & in obedience to the sd order mett accordingly vpon the place, & vpon a survey of the sd land could not find any bound markes appearing, according as it was set out by Hingham men, but vnderstood that Hingham men had run the lyne a little higher vpon the riuer then Scituate men had done, & thereby had taken 6 or 7 acors of land vpon the riuer, which Scituate men had layd out neere the sea, which we conceiue was not so agreeable to the commissio^{rs} order as the first lyne, & doe therefor conclude & agree, as a full issue of the case, that the sd lyne, as it now stands marked & bounded by Scituate men, shall stand

Hingham &
Scituate salt
marsh.

1657. firme & good, & the other lyne, run by Hingham men, to be voyd & of none effect. Subscribed by

6 May.

W^m TORREY &
JOSIAS WINSLOW.

Cap^t Brackett, being not so cleare in this determination, was not willing to subscribe.

The Court doth approue of the retorne of the com^{is}sioners in reference to the land aboue mentioned.

[*208.] *In answer to the pe^t of M^r John Alcocke, the Court doth confirme & allow of 842 acors of land, which, according to former graunt, he hath caused to be layd out between the two Indian townes of Natick & Wippsupperage, bounded according to a draught presented, together with his pe^t; & also doe further graunt vnto y^e petitio^r one hundred & odde acors more, to be añexed to his former graunt, according to his desire in his pe^t, p^{ro}vided it hinder no former graunt.

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